

Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS FIRST SESSION

SENATE

MONDAY, April 23, 1928

(Legislative day of Friday, April 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 1648) for the relief of Oliver C. Macey and Marguerite Macey, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

- H. R. 967. An act for the relief of George J. Illichevsky;
- H. R. 1957. An act for the relief of Wendell M. Saunders;
- H. R. 2474. An act for the relief of the San Francisco, Napa & Calistoga Railway;
- H. R. 3222. An act for the relief of John M. King;
- H. R. 3224. An act for the relief of Ichabod J. Woodard;
- H. R. 3470. An act granting relief to Havert S. Sealy and Porteus H. Burke;
- H. R. 3593. An act for the relief of Francis L. Sexton;
- H. R. 3949. An act for the relief of Frank F. Moore;
- H. R. 3960. An act for the relief of William Downing Prideaux;
- H. R. 4012. An act for the relief of Charles R. Sies;
- H. R. 4101. An act for the relief of U. R. Webb;
- H. R. 4111. An act to correct the naval record of Peter Hansen;
- H. R. 4440. An act for the relief of Frederick O. Goldsmith;
- H. R. 4664. An act for the relief of Capt. George R. Armstrong, United States Army, retired;
- H. R. 4827. An act providing for the promotion of Chief Pharmacist Laurence Oliphant Schetky, United States Navy, retired, to the rank of lieutenant, Medical Corps, on the retired list of the Navy;
- H. R. 4839. An act for the relief of the Press Publishing Co., Marianna, Ark.;
- H. R. 5398. An act for the relief of the heirs of the late Dr. Thomas C. Longino;
- H. R. 5910. An act for the relief of Ralph Ole Wright and Varina Belle Wright;
- H. R. 5931. An act for the relief of Thomas Heard;
- H. R. 5968. An act for the relief of Byron Brown Ralston;
- H. R. 7061. An act for the relief of William V. Tynes;
- H. R. 7898. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.;
- H. R. 7976. An act for the relief of Mrs. Moore L. Henry;
- H. R. 8001. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes;
- H. R. 8440. An act for the relief of F. C. Wallace;
- H. R. 8484. An act for the relief of Henry Manske, jr.;
- H. R. 9148. An act for the relief of Ensign Jacob E. DeGarmo, United States Navy;
- H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;
- H. R. 9620. An act for the relief of E. H. Jennings, F. L. Johannis, and Henry Blank, officers and employees of the post office at Charleston, S. C.;
- H. R. 10218. An act authorizing the Court of Claims of the United States to hear and determine the claim of the city of

Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.;

- H. R. 10261. An act for the relief of Edward Tomlinson;
 - H. R. 10336. An act for the relief of Nannie Swearingen;
 - H. R. 10352. An act to correct the military record of Edward Delaney;
 - H. R. 10536. An act granting six months' pay to Anita W. Dyer;
 - H. R. 10702. An act for the relief of Elbert L. Cox;
 - H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;
 - H. R. 11429. An act granting six months' pay to Marjory Virginia Watson;
 - H. R. 11716. An act authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes;
 - H. R. 11741. An act for the relief of Thomas Edwin Huffman;
 - H. R. 11764. An act conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of A. Roy Knabenshue against the United States for the use or manufacture of an invention of A. Roy Knabenshue covered by Letters Patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907;
 - H. R. 11978. An act granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service;
 - H. R. 12049. An act to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of \$1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.;
 - H. R. 12063. An act for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased;
 - H. R. 12189. An act for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti;
 - H. J. Res. 47. Joint resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps; and
 - H. J. Res. 77. Joint resolution concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio.
- PETITIONS AND MEMORIALS
- Mr. SHEPPARD presented resolutions adopted by the St. Ann's Women's Catholic Society, of Castroville, Tex., protesting against the treatment of Catholics in Mexico and requesting this Government to use its good offices at once to bring about a peaceful solution of this question, which were referred to the Committee on Foreign Relations.
- Mr. WARREN presented resolutions adopted by the Lions Club, of Sheridan, and Engstrom-Duncan Post, No. 22, the American Legion, of Rawlins, both in the State of Wyoming, favoring the passage of legislation providing for aided and directed settlement on Federal reclamation projects, which were referred to the Committee on Irrigation and Reclamation.
- Mr. CAPPER presented memorials numerously signed by members of the Kansas Yearly Meeting Christian Endeavor Union, Friends Church, of Wichita, Kans., remonstrating against repeal of the eighteenth amendment to the Constitution or any modification of the so-called Volstead Act, which were referred to the Committee on the Judiciary.
- Mr. WALSH of Massachusetts presented letters in the nature of memorials from the New England States Holstein Friesian Association; the librarian, the City Library Association; and

C. S. Woodworth Co., all of Springfield, Mass., remonstrating against the passage of Senate bill 1752, to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a letter in the nature of a petition from the International Institute, Young Women's Christian Association, of Bridgeport, Conn., praying for the passage of the so-called Walsh-MacGregor bill, providing for the uniting of separated families under the immigration law, which was referred to the Committee on Immigration.

He also presented letters in the nature of petitions from the Connecticut State Association of Letter Carriers of Hartford, and Silver City Branch, No. 227, National Association of Letter Carriers of Meriden, both in the State of Connecticut, praying for the passage of the so-called Dale bill, being Senate bill 1727, relative to the retirement of civil-service employees, which were referred to the Committee on Civil Service.

He also presented telegrams and letters in the nature of petitions from the National Council of Jewish Women, of Hartford; the Bunker Hill Literary Club, of Waterbury; the Men's Club of the Congregational Church, of Simsbury; the Sprague League of Women Voters, of Hanover; the League of Women Voters, of Wallingford; and of sundry citizens of Westport and Wethersfield, all in the State of Connecticut, praying for the adoption of the so-called Gillett resolution, being the resolution (S. Res. 139) suggesting a further exchange of views relative to the World Court, which were referred to the Committee on Foreign Relations.

Mr. COPELAND presented petitions of sundry citizens of New York City, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

PRINTED RETURN CARDS

Mr. COPELAND. Mr. President, I present a resolution adopted by the New York Press Association, assembled at its seventy-sixth annual meeting, held at Syracuse, N. Y., February 2-4, 1928, condemning the practice of the Post Office Department in furnishing special printed return cards. I ask that the communication may be referred to the Committee on Post Offices and Post Roads and be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

NEW YORK PRESS ASSOCIATION,
OFFICE OF THE SECRETARY,
Elmira, N. Y.

The New York Press Association, assembled at its seventy-sixth annual meeting, held in Syracuse, N. Y., February 2-4, 1928, does hereby—
"Resolve, That we condemn the present practice of the Post Office Department of the United States in furnishing special printed return cards on Government stamped envelopes as unfair competition and unwarranted invasion of private industry by the Government. We ask the Senators and Congressmen from New York State to favor the principles embodied in the Oddie bill, now pending in the Senate, and thus relieve the publishing industry in the small cities and rural sections of cut-price competition such as no other business in the country is called upon to face."

Carried unanimously.

ELMER E. CONRATH, President.

Certified from the records.

[SEAL.]

JAY W. SHAW, Secretary.

REPORTS OF COMMITTEES

Mr. STEPHENS, from the Committee on the Judiciary, to which was referred the bill (H. R. 12320) to amend the longshoremen's and harbor workers' compensation act, reported it without amendment.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 5297) for the relief of Christine Brenzinger, reported it with an amendment and submitted a report (No. 866) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 2654) for the relief of Anton Anderson, reported it without amendment and submitted a report (No. 867) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2657) for the relief of Thomas Huggins, reported it with an amendment and submitted a report (No. 868) thereon.

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 3917) for the relief of the State of Florida, reported it without amendment and submitted a report (No. 869) thereon.

He also, from the same committee, to which was referred the bill (H. R. 6367) authorizing the redemption by the United States Treasury of 20 war-savings stamps (series of 1918) now

held by Dr. John Mack, of Omaha, Nebr., reported it adversely and submitted a report (No. 870) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 2274) for the relief of William H. Chambliss, reported it with amendments and submitted a report (No. 872) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4170) to authorize plans for a hospital at the Home for Aged and Infirm in the District of Columbia, and for other purposes (Rept. No. 873); and

A bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes (Rept. No. 874).

Mr. SACKETT, from the Committee on Banking and Currency, to which was referred the bill (S. 4039) to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, reported it with amendments and submitted a report (No. 875) thereon.

Mr. BLACK. Mr. President, on last Thursday I reported a bill from the Committee on Military Affairs by mistake. The number was wrong. It appears as a report on the bill (S. 1894) to increase the efficiency of the Army, and for other purposes; but as a matter of fact it was a report on the bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, as amended by the committee. I ask unanimous consent that Senate bill 1894 be recommitted to the committee and to substitute Senate bill 3089 as amended, and I submit a report (No. 871) thereon.

The VICE PRESIDENT. Without objection, Senate bill 1894 will be recommitted to the Committee on Military Affairs and the report on Senate bill 3089 will be placed on the calendar.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills:

On April 21, 1928:

S. 2725. An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma; and

S. 3640. An act authorizing acceptance from PETER G. GERRY of the gift of the law library of the late Elbridge T. Gerry.

On April 23, 1928:

S. 1736. An act for the relief of Charles Caudwell;
S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon;
S. 1758. An act for the relief of Fred A. Knauf; and
S. 1771. An act for the relief of Peter S. Kelly.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 4187) for the relief of Con Murphy (with accompanying papers); to the Committee on Claims.

By Mr. McKEILLAR:

A bill (S. 4188) granting a pension to Callie Manley; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4189) to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States; to the Committee on the Judiciary.

By Mr. THOMAS:

A bill (S. 4190) authorizing an appropriation for the encouragement and benefit of the International Petroleum Exposition Corporation, of Tulsa, Okla.; to the Committee on Mines and Mining.

By Mr. WHEELER:

A bill (S. 4191) to amend an act for the relief of certain tribes of Indians in Montana, Idaho, and Washington; to the Committee on Indian Affairs.

By Mr. COPELAND:

A bill (S. 4192) granting a pension to John Seyne; and
A bill (S. 4193) granting a pension to Laura Kenyon; to the Committee on Pensions.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 4194) granting an increase of pension to Ruhamah Shafer;

A bill (S. 4195) granting an increase of pension to Eliza A. Conner (with accompanying papers); and

A bill (S. 4196) granting an increase of pension to Amelia G. Underwood (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4197) granting an increase of pension to Charles F. Burch; to the Committee on Pensions.

VETERANS' BUREAU HOSPITAL NO. 90, MUSKOGEE, OKLA.

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (H. R. 12821) to authorize an appropriation to provide additional hospital, domiciliary, and outpatient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO NAVAL APPROPRIATION BILL

Mr. McKELLAR submitted an amendment intended to be proposed by him to House bill 12286, the naval appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 53, after line 17, insert the following:

"Provided, That no part of the appropriations made in this act shall be used for the purpose of maintaining marines or troops in the Republic of Nicaragua on and after February 1, 1929, unless specifically authorized by the Congress: And provided further, That in the event of an emergency the President is authorized to land troops temporarily for the protection of lives and property under international law or the Monroe doctrine only, in which event the President will report to the Congress immediately, if the Congress be then in session, and upon the convening of the Congress if it shall not be in session."

INVESTIGATION OF SINKING OF SUBMARINE "S-4"

Mr. ODDIE submitted the following resolution (S. Res. 205), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs or a duly authorized subcommittee thereof is hereby authorized and directed to make a full and complete investigation of the sinking of the submarine S-4 in collision on December 17, 1927, with the United States Coast Guard destroyer Paulding off the Massachusetts coast, and the rescue and salvage operations carried on by the United States Navy subsequent thereto; and to report thereon to the Senate as soon as practicable, giving the results of its investigation and with such recommendations as it deems advisable. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of such stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not be in excess of \$10,000, shall be paid from the contingent fund of the Senate.

BOGUE CHITTO RIVER BRIDGE, ST. TAMMANY PARISH, LA.

Mr. STEPHENS. Mr. President, I ask unanimous consent for the immediate consideration of Calendar 788, being the bill (S. 3808) to authorize the construction of a temporary railroad bridge across Bogue Chitto River at a point in township 5 south, range 6 east, St. Tammany Parish, La. It is a bridge bill in the usual form.

Mr. CURTIS. Mr. President, let the bill be read.

The Chief Clerk read the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 5, after the word "at," to insert the words "or near"; in line 6, after the word "range," to strike out "6" and insert "13"; and in the same line, after the word "east," to insert "St. Helena meridian," so as to make the bill read:

Be it enacted, etc., That the Lamar Lumber Co. (Inc.) is hereby authorized to construct a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La., some few miles below where the New Orleans Great Northern Railroad crosses that stream, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a temporary railroad bridge across Bogue Chitto River at or near a point in township 5 south, range 13 east, St. Helena meridian, St. Tammany Parish, La."

PROTECTION OF WATERSHEDS

Mr. McNARY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1181) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: "available July 1, 1928, \$2,000,000; available July 1, 1929, \$3,000,000; available July 1, 1930, \$3,000,000; in all for this period, \$8,000,000, to be available until expended"; and the House agree to the same.

CHAS. L. McNARY,
HENRY W. KEYES,

Managers on the part of the Senate.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,

Managers on the part of the House.

The report was agreed to.

OLIVER C. MACEY AND MARGUERITE MACEY

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1648) for the relief of Oliver C. Macey and Marguerite Macey, which was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$3,000, to Oliver C. Macey and Marguerite Macey, of Anne Arundel County, Md., on account of the death of their infant daughter, Eleanor Macey, who was killed December 14, 1925, by reason of the negligence of the operator of the United States Navy commissary truck, and for injuries sustained in said accident by Marguerite Macey.

Mr. BRUCE. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. HOWELL, Mr. NYE, and Mr. BAYARD conferees on the part of the Senate.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; to the Committee on Public Buildings and Grounds.

H. R. 12189. An act for the relief of Marie Rose Jean Baptiste, Marius Francois, and Regina Lexima, all natives of Haiti; to the Committee on Foreign Relations.

H. R. 9568. An act to authorize the purchase at private sale of a tract of land in Louisiana, and for other purposes;

H. R. 11716. An act authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes; and

H. R. 12049. An act to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker, upon the payment of \$1.25 per acre, the southeast quarter section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.; to the Committee on Public Lands and Surveys.

H. R. 3222. An act for the relief of John M. King;

H. R. 3224. An act for the relief of Ichabod J. Woodard;
 H. R. 3893. An act for the relief of Francis L. Sexton;
 H. R. 4664. An act for the relief of Capt. George R. Armstrong, United States Army, retired;
 H. R. 5931. An act for the relief of Thomas Heard;
 H. R. 10261. An act for the relief of Edward Tomlinson;
 H. R. 10352. An act to correct the military record of Edward Delaney;
 H. R. 10702. An act for the relief of Elbert L. Cox; and
 H. R. 11429. An act granting six months' pay to Marjory Virginia Watson; to the Committee on Military Affairs.
 H. R. 1957. An act for the relief of Wendell M. Saunders;
 H. R. 3960. An act for the relief of William Downing Prideaux;
 H. R. 4012. An act for the relief of Charles R. Sies;
 H. R. 4111. An act to correct the naval record of Peter Hansen;
 H. R. 4827. An act providing for the promotion of Chief Pharmacist Laurence Oliphant Schetky, United States Navy, retired, to the rank of lieutenant, Medical Corps, on the retired list of the Navy;
 H. R. 5910. An act for the relief of Ralph Ole Wright and Varina Belle Wright;
 H. R. 5968. An act for the relief of Byron Brown Ralston;
 H. R. 8494. An act for the relief of Henry Manske, jr.;
 H. R. 9148. An act for the relief of Ensign Jacob E. DeGarmo, United States Navy;
 H. R. 10536. An act granting six months' pay to Anita W. Dyer;
 H. R. 11978. An act granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service; and
 H. J. Res. 47. Joint resolution for the relief of Mary M. Tilghman, former widow of Sergt. Frederick Coleman, deceased, United States Marine Corps; to the Committee on Naval Affairs.
 H. R. 967. An act for the relief of George J. Illichevsky;
 H. R. 2474. An act for the relief of the San Francisco, Napa & Calistoga Railway;
 H. R. 3470. An act granting relief to Havert S. Sealy and Porteus R. Burke;
 H. R. 3949. An act for the relief of Frank F. Moore;
 H. R. 4101. An act for the relief of U. R. Webb;
 H. R. 4440. An act for the relief of Frederick O. Goldsmith;
 H. R. 4839. An act for the relief of the Press Publishing Co., Marianna, Ark.;
 H. R. 5398. An act for the relief of the heirs of the late Dr. Thomas C. Longino;
 H. R. 7061. An act for the relief of William V. Tynes;
 H. R. 7898. An act to ratify the action of a local board of sales control in respect of contracts between the United States and the Lagrange Grocery Co., of Lagrange, Ga.;
 H. R. 7976. An act for the relief of Mrs. Moore L. Henry;
 H. R. 8001. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes;
 H. R. 8440. An act for the relief of F. C. Wallace;
 H. R. 9620. An act for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.;
 H. R. 10218. An act authorizing the Court of Claims of the United States to hear and determine the claim of the city of Park Place, heretofore an independent municipality but now a part of the city of Houston, Tex.;
 H. R. 10336. An act for the relief of Nannie Swearingen;
 H. R. 11741. An act for the relief of Thomas Edwin Huffman;
 H. R. 11764. An act conferring jurisdiction upon the Court of Claims of the United States or the district courts of the United States to hear, adjudicate, and enter judgment on the claim of A. Roy Knabenshue against the United States for the use or manufacture of an invention of A. Roy Knabenshue, covered by Letters Patent No. 858875, issued by the Patent Office of the United States under date of July 2, 1907; and
 H. R. 12063. An act for the relief of the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased; to the Committee on Claims.
 H. J. Res. 77. Joint resolution concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio; to the Committee on the Judiciary.

BILL RECOMMENDED

Mr. NORRIS. Mr. President, I desire, under direction of the Committee on the Judiciary, to ask that the Senate refer back to the Committee on the Judiciary Calendar No. 812, being the

bill (H. R. 6687) to change the title of the United States Court of Customs Appeals, and for other purposes.

The VICE PRESIDENT. Without objection, the bill will be recommitted.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE, to insert, after line 17, page 53, the following proviso:

Provided, That after December 25, 1928, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nations, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

The words "acts of hostility" and the words "belligerent intervention" shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim or any claim or right to any grant or concession for or on behalf of any private citizen, copartnership, or corporation of the United States against the government of a foreign nation, either upon the initiation of the Government of the United States, or upon the invitation of any foreign government existing de jure or de facto.

Mr. NORRIS obtained the floor.

Mr. JOHNSON. Mr. President, has the Senator any objection to a call for a quorum before he proceeds with his speech upon the pending measure?

Mr. HEFLIN. Mr. President, I wish the Senator would permit us to have a quorum called.

Mr. NORRIS. I yield for that purpose.

Mr. JOHNSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Keyes	Shortridge
Barkley	Edwards	King	Simmons
Bayard	Fess	La Follette	Smith
Bingham	Fletcher	Locher	Smoot
Black	Frazier	McKellar	Steck
Blaine	George	McMaster	Steiner
Blease	Gerry	McNary	Stephens
Borah	Goff	Mayfield	Swanson
Bratton	Gooding	Metcalf	Thomas
Brookhart	Gould	Neely	Tydings
Broussard	Greene	Norbeck	Tyson
Bruce	Hale	Norris	Vandenberg
Capper	Harris	Nye	Walsh, Mass.
Caraway	Harrison	Oddie	Walsh, Mont.
Copeland	Hawes	Overman	Warren
Couzens	Hayden	Phipps	Waterman
Curtis	Hefflin	Pittman	Watson
Cutting	Howell	Ransdell	Wheeler
Dale	Johnson	Sackett	
Deneen	Jones	Schall	
Dill	Kendrick	Sheppard	

Mr. LA FOLLETTE. Mr. President, I desire to announce that the Senator from New Hampshire [Mr. MOSES] is detained on business of the Senate before the Committee on Post Offices and Post Roads.

Mr. SWANSON. I wish to announce that my colleague the junior Senator from Virginia [Mr. GLASS] is detained from the Senate by illness.

Mr. CARAWAY. I wish to announce that my colleague the senior Senator from Arkansas [Mr. ROBINSON] is still detained from the Senate by reason of illness.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

Mr. NORRIS. Mr. President, I believe the debate on the question now before the Senate has resulted in a great deal of good and perhaps a better understanding. The question of our action in Nicaragua is one which has not been debated as it seems to me it should have been debated on the floor of the Senate. An honest debate and a fair consideration of the questions involved are not only of benefit to the Senate but will have a tendency to clear up the situation before the people of the country.

I was rather astounded on Saturday that the claim was made by the Senator from Connecticut [Mr. BINGHAM] that there is not a state of war existing in Nicaragua. While I do not believe the settlement of that question is necessary for a determination of what we should do under present conditions, it does have a bearing more or less important. The Senator from Idaho [Mr. BORAH], in the very able address which he delivered on the subject a few days ago, admitted, if not in direct language I think at least by implication—and if I misquote him, I shall be glad to have him interrupt me—that there is

a state of war existing now in Nicaragua between our Government and at least one of the factions there claiming to have the right to govern that country. The Senator from New Jersey [Mr. EDGE] very fairly and frankly admitted that, at least in a technical sense, he thought that war is now in existence.

The question has an important bearing as to whether the President of the United States, in what he has done in Nicaragua, has overstepped the authority given him by the Constitution of the United States. Everyone concedes that the President of the United States has no power or authority to declare war. I think everyone concedes, on the other hand, that the President has authority to use the forces of the United States to protect life and property if he does not go to the extent of bringing on a state of war. Therefore, it is important, I think, to consider whether or not there is a state of war existing now in Nicaragua.

The interesting historical incidents which were recited by the Senator from Connecticut [Mr. BINGHAM], which he offered, I presume, to show that there is no state of war existing, were, to my mind, with very few exceptions, not to the point and have no application whatever to the present condition of things in Nicaragua. Most of the instances he gave were instances where it was conceded that the President had not overstepped the authority conferred on him as Commander in Chief of the Army and Navy, and no one, I think, upon a fair consideration of most of those instances would reach the conclusion that there was a state of war existing or that the President brought on a state of war. I am not going over that, Mr. President, but I want to refer to one instance which the Senator cited which seemed to him, and, perhaps, seemed to others, to show that President Coolidge had not overstepped his authority in Nicaragua because he was following a precedent, namely, the instance where our Army was sent into China during the Boxer revolution.

In that case there was no attempt on the part of the American Government to take territory; there was no attempt in that case to participate in a war that was in existence between different factions in China for the purpose of controlling and administering the Chinese Government. It was simply an instance where the President used the Army and the Navy to protect American citizens, mostly American officials, who were in Peking at the time. I think I shall be able to show by authority that can not be controverted that such a condition is not war, while the condition now existing in Nicaragua is war.

Before I go into that, I want to reply to another criticism that has been made of those who are opposed to what we are doing in Nicaragua. It was dwelt upon particularly by the Senator from New Jersey [Mr. EDGE] in the very able address which he delivered to the Senate the other day. Reduced to a nutshell, it is that we must not criticize the President, particularly in matters pertaining to our foreign relations. Mr. President, not for a single moment can I submit to that proposition; not for a single moment, in my judgment, can any one who believes in the perpetuity of our Government or of any form of free government, or one who believes in the different departments of government carrying on their separate functions without infringing upon the functions of any other department agree to that kind of proposition.

I know those of us who do criticize the President in the conduct of foreign affairs, and in other matters also, but particularly in foreign matters, bring down upon our heads the condemnation and criticism of a great many people, who are well minded and moved by the very best of motives; but honest criticism, Mr. President, is at the foundation of every free government; constructive criticism is not only beneficial to the person or the official criticized but it is the best way in any debate in any legislative body to bring out the best results. Without it, we shall just as surely, as night follows day, gradually surrender the functions of the legislature, and in the end become a monarchy; not only a monarchy but an absolute monarchy. Probably at this time the only government of a civilized nation that does not tolerate any criticism is the Government of Mussolini, which no Italian dare criticize; and if we ever start on the theory that as to any important function of the executive department no man must criticize, where no one must find fault, then we shall be leading up to the time when we shall abdicate as a legislature; when we shall gradually turn the Government over to a monarch.

I am not thinking of any President; I am not thinking of President Coolidge any more than I am of any other President; I am not thinking in any disrespectful way of the actions of the President or of the President as an individual or as an official, but I claim the right—I not only claim it is the right but I claim it is the duty particularly of a Member of Congress representing the legislative functions of the Government—to criticize any official of the Government, whether it be the

President or anyone else where I honestly believe that such criticism is due.

Such criticism does not mean that we impugn the motives of the person criticized, but it merely means that we are expressing our honest dissent, as we have the right to do, as it is our duty to do, particularly if we are members of the legislative department of the Government and wish to perform our full duty; and, in my humble opinion, we can not perform it in any other way. We are derelict in our duty if we think there is something wrong in an important branch of our Government and we fail to speak. We are not only failing to do our duty as members of the legislative department of the Government, but we are not doing our full duty as patriotic citizens of that Government should we remain silent.

I think that is particularly true in relation to foreign affairs, because that is one function of the Government in connection with which the official duties of the Executive are carried on in secret; where there is no publicity. I think that is all wrong, but the foreign affairs of the Government are not open to the light of day. We have no access to the documents, to the letters, to the correspondence, and to everything else that is going on officially in the State Department. We can not always even get them by asking for them, because the President may say that, in his judgment, it is not compatible with the public interest to give us the information. So we are having one function of government, our dealings with foreign nations, perhaps the most important of any for the peace of the country, the peace of the world, and the life of our own citizens may be at stake—perhaps the most important of any that can be conceived—carried on officially in secret to a great extent and we are denied, even though we ask for it in the name of the Senate, information to enable us properly to act as representing the American people.

When we take that into consideration, it seems to me it is very important that we should, wherever we deem it to be our duty, criticize the President, just as any of us would have the right to criticize another Member of this body. We do that every day in our debates and, if we are courteous about it, the person criticized can find no possible objection to that kind of course. Yet when we dare to suggest that we think some action on the part of the executive department is not right or that we ought to have more information in regard to it we are denounced oftentimes as enemies of our country.

Not many months ago the President of the United States announced publicly to the newspapers of the country that he thought the newspapers ought not to criticize the Government in matters of foreign relations. Anyone who will consider that suggestion for a moment and think where it will lead us, must reach the conclusion—there can be no escape from it—that if we carry it out to its legitimate end we will eventually destroy our form of government. Criticism is a healthy thing; it is a righteous thing; it is the best means by which we can approach, even though we never reach, perfection. So that what I am saying is said with perfect respect; it is said, however, without fear and without any idea of stopping, because somebody else may say—and the statement may do a great injury—that I am not loyal to the President of the United States. I have no such intention; I have no such idea; but I am going to perform what I believe to be my duty, even though I subject myself to those who would unjustly criticize me for that kind of action.

Now, Mr. President, I wish to read one or two extracts from some decisions of the Supreme Court of the United States. The Supreme Court said:

By the Constitution, Congress alone has the power to declare a national or foreign war * * *. The Constitution confers on the President the whole executive power * * *. He is the Commander in Chief of the Army and the Navy of the United States * * *. He has no power to initiate or declare a war either against a foreign nation or a domestic State.

That is a quotation from the decision of the United States Supreme Court in the Prize cases, in Second Black, 635 to 668.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. NORRIS. Yes.

Mr. BINGHAM. Does the Senator think that the scatterbrains of Sandino are either a foreign nation or a domestic state?

Mr. NORRIS. No; but if the Senator will do me the honor of listening to me he will find when I come to take it up that I will make what I believe to be a direct application to Sandino and his followers and what they are doing in Nicaragua and what we are doing to them, and I think I will demonstrate that there is a war now being carried on. It has not been declared by the Congress of the United States; it has not been

declared by the Nicaraguan Government; but there is war just the same. The conflict has all the elements of war, as I think I shall be able to show.

The Supreme Court said again:

The whole powers of war being by the Constitution of the United States vested in Congress, the acts of that body can alone be resorted to as our guides in this inquiry. It is not denied, nor, in the course of the argument, has it been denied that Congress may authorize general hostilities, in which case the general laws of war apply to our situation; or partial hostilities, in which case the laws of war, so far as they actually apply to our situation, must be noticed.

It may, I believe, be safely laid down that every contention by force between two nations in external matters under the authority of their respective governments is not only war but public war.

That was decided in the case of *Talbot v. Seeman*, 1 Cranch, from the first to the twentieth page.

Mr. BINGHAM. Mr. President, will the Senator yield again?

Mr. NORRIS. Yes.

Mr. BINGHAM. I do not quite understand the Senator's quotation. It said "war between two governments."

Mr. NORRIS. Yes; that is what it said.

Mr. BINGHAM. Between two governments?

Mr. NORRIS. Yes.

Mr. BINGHAM. And the Senator expects to prove before he concludes that the forces of the bandit Sandino are another government?

Mr. NORRIS. No.

Mr. BINGHAM. I am very glad to hear the Senator say that.

Mr. NORRIS. The Senator is drawing a conclusion that he is not justified in drawing.

Mr. BINGHAM. I did not see any application of the quotation from the decision of the Supreme Court unless the Senator should say that the forces of Sandino constituted another government.

Mr. NORRIS. I will give the Senator a citation that will apply to Sandino and his forces and show, before I get through, that there is now war in Nicaragua.

As shown by the able Senator from Wisconsin [Mr. BLAINE] there has been a gradual increase in the authority exercised by the President in the use of the Army and the Navy. For the last 20 years it has been growing; and I want to pause before I go into other definitions of war to show the danger that comes from such a condition.

We established a precedent, and the person in power uses that precedent. He uses all the power that he has. It is human nature. I am not offering that in criticism of anybody or any President. It is natural for every official—there are exceptions to it, I admit—to take all the power he has, and stretch it to the utmost.

If you will look over the history of the world, if you will look over the history of civilization, you will find that that is true in all governments and of all rulers; so that there is danger in precedents. There is danger, if we remain silent and say nothing, that the power of declaring war, although given to Congress by the Constitution, will be entirely taken away by the executive department. I think that danger is practically here now; and no one wants to do that. No one has argued for that; but that is where we are drifting.

During the twentieth century there has been a gradually increasing encroachment upon this power by the executive department through the use of the Army and Navy, until to-day it in effect claims the right to make war. The executive officials do not use that language; but the effect of what they do is to make war or to authorize warlike acts abroad, without the consent of Congress, to the extent to which such warfare can be carried on by the military forces under the command of the President.

One President goes where he thinks is the limit of his authority in the use of the Army and the Navy. Another President coming after him, perhaps purely with the idea of doing what is right, goes to the same extent, and a little bit further. The next President uses that as a precedent, and goes still further, until we have reached a point where the President uses the Army and the Navy to make war upon any nation that he sees fit to make war upon, without consulting anybody; and we have been drifting that way.

We are now in Nicaragua; and I want to read a definition of war given by Thomas Jefferson. It seems to me it covers the matter. It seems to me it must stand uncontradicted.

In the case of actual physical attacks upon American citizens or their property or the immediate danger of such attacks, the forces of the United States may be used for strictly protective purposes without the consent of Congress.

Let me read that again; and no one, so far as I know, contradicts it.

In the case of actual physical attacks upon American citizens or their property or the immediate danger of such attacks, the forces of the United States may be used for strictly protective purposes without the consent of Congress. * * * When, however, any attempt is made to take over the control of territory, to use force for the collection of claims due to American citizens, to interfere with the military operation of foreign troops, or, above all, to interfere between two governments, each claiming to be the legal government of the country, war (perhaps only partial war, but still war) is waged, and this can only be constitutionally done under the authorization of Congress.

Mr. EDGE. Mr. President, will the Senator yield at that point?

Mr. NORRIS. Yes.

Mr. EDGE. As a practical proposition, referring directly to the situation in Nicaragua, as I followed the first paragraph read from Jefferson, it stated without qualification that the use of troops to protect American property or on the defensive was entirely proper, did it not?

Mr. NORRIS. Yes.

Mr. EDGE. These troops being on the defensive, they are certainly subject to attack. Members of the troops being actually killed from ambush, and Congress not being in session—that occurring, as I recall, in May or June of last year—could the commandant of the troops do anything else in the world, in the interest of protection of the lives of the men under him, but pursue an offensive?

Mr. NORRIS. Well, perhaps in the way the Senator states it, I would not contradict it.

Mr. EDGE. That did actually happen.

Mr. NORRIS. If he is attacked, he must defend himself, of course.

Mr. EDGE. That did actually happen, with Congress not in session.

Mr. NORRIS. The Senator talks about Congress not being in session. Great heavens! Congress has been in session since December this time. It was in session during an entire session commencing the December before.

Why, Mr. President, we have done in Nicaragua and are doing there almost exactly in words what Thomas Jefferson described as war. We are interfering with the Government. We have been taking sides between two factions, each claiming the right to govern. We have taken possession of territory. We are now proposing, without authority from the Congress of the United States and without authority from the Nicaraguan Congress, to carry on an election in Nicaragua. We are performing the functions of government. We have been doing it from the beginning. We have gone away beyond the protection of life and property; and, in my judgment, the protection of life and property down there is 99 per cent an exaggeration. The Senator from Idaho [Mr. BORAH] in his able address said that there was practically nothing to it. In his judgment we had not any right to put the marines in there on the theory of protecting life and property. It was not necessary. It was not demanded.

But, of course, Mr. President, when war was going on, as it was down there for a year or two, between different factions, each claiming the right to govern the country, there would be danger to those who were noncombatants. There would be danger to an American citizen or anyone else if he was in the path of one of the armies or between the two. That, however, is not the kind of protection that the President is authorized to afford in using the Army and Navy.

The Senator from Minnesota [Mr. SHIPSTEAD] the other day called our attention to the great Battle of Gettysburg. It is an exaggerated case, it is true, but it illustrates the principle. Suppose, when those two armies were about to fight, some citizen of Great Britain had been between them, and the officials of Great Britain had landed an army and navy and said, "Gentlemen, you must not fight here, because you may injure the property and take the lives of British subjects." It is true that that might happen, but no one would be so wild as to claim the right to interfere in that way.

It is true without any question that when Sacasa was fighting against Diaz down there trying to get what it is usually conceded by those who have studied the question most that he was entitled to, the Presidency of Nicaragua, whenever he made an advance, whenever he overcame the Diaz army, our Government interfered and said, "This is neutral territory. You must not fight here." They took sides indirectly with the Diaz faction down there; and incidentally we ought to know, too—we do know, if we will think about it—that Diaz was our man. We put him in office. He could not have remained in office

24 hours without the American Army. He was a man we set up.

Mr. BINGHAM. Mr. President, will the Senator yield a moment?

Mr. NORRIS. Yes.

Mr. BINGHAM. Did the Senator say that Diaz could not have remained in office 24 hours without the American Army?

Mr. NORRIS. Yes.

Mr. BINGHAM. Why, Mr. President, there was not an American soldier in Nicaragua when Diaz assumed the Presidency.

Mr. NORRIS. I am not speaking of the remote days, but of the time when we did go there. At a time when he was about to be overthrown we stepped in. We put him in office in the first place. He was our man. We put ourselves in office, and then we made a contract with ourselves afterwards to hold an election. That is just what happened. As the Senator from Idaho [Mr. BORAH] has suggested, Diaz himself pleaded with us to intervene. He has officially said that he could not maintain his place without the American marines. He has asked us to intervene.

Mr. BINGHAM. But the Senator implied in his remarks that we had troops there at the time Diaz was made President.

Mr. NORRIS. I did not intend to imply that. I am unaware that I did. It does not make any difference what was done yesterday or day before yesterday or to-day. The Senator can not quibble out of it by stating that at a particular time we did not have troops there. Everybody knows, and nobody will dispute—not even Diaz himself, not President Coolidge, not Secretary Kellogg, and I hope nobody here will dispute—that Diaz would have gone down; he could not have maintained his position without the assistance of the American Government. The Senator from Connecticut will not deny that.

Mr. BINGHAM. Mr. President, the Senator from Nebraska will not deny, I hope, that the regularly elected President, Solorzano, would have maintained office, together with the regularly elected Vice President, Sacasa, if the American marines had not been withdrawn.

Mr. NORRIS. I do not think that has any more to do with this question than the flowers that bloom in the springtime. There are a lot of things that might have happened, and probably a lot of bad things would have happened. I am not saying that these people who were trying to get the Presidency were angels or that they were perfect. I would not say that about Mussolini; but I would not be in favor of taking the Army and the Navy and going over there and setting up another man and backing him up and putting Mussolini out.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER (Mr. DENEEN in the chair). Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I do.

Mr. WHEELER. The Senator does know as a matter of fact that the reason why Diaz was put in there was because of the fact that it was known, and the American minister let it be known, that Diaz was acceptable to the American Government, and they let it be known that they would protect Diaz if he was put in there.

Mr. NORRIS. Yes. I think the Senator from Montana. I think it can be fairly said that there is really no dispute about this proposition. Diaz could not have maintained himself without the assistance of the American Army. He will not claim that himself. No one can claim it and get away with it. There is not any question about our Army being used to maintain him in office. The representative of President Coolidge, Mr. Stimson, in his letter, which I will read after a while, says practically the same thing. He says, "We are going to administer this election, and we think that Diaz ought to be maintained in office to the end of the term." They are going to maintain him. They do maintain him. They have maintained him all the time. He is our man. He owes his office to the Government of the United States. He owes his ability to stay there to the marines, to the Army, and to the Navy of the United States. There can be no question about that.

Mr. BINGHAM. Mr. President, will the Senator yield a moment?

Mr. NORRIS. Yes.

Mr. BINGHAM. In the interest of accuracy, I hope the Senator will correct his speech to the effect that there were no members of the Army present, and that Diaz does not owe his position to the Army and Navy of the United States, because the Army was not there—just to be accurate; that is all.

Mr. NORRIS. The Senator distinguishes the Army from the marines?

Mr. BINGHAM. Anyone familiar with international law knows the distinction between the use of marines and the use of an army on foreign soil.

Mr. NORRIS. Yes. I suppose the Senator would say that if a marine burned up a house or killed a man that would not be anything, because he did not happen to be a member of the Army.

I do not care to distinguish between marines and the Army. The Senator may call them anything he wants to; they are soldiers of the United States. They are under the command of American officers. They are carrying out the orders of the President of the United States, and the Senator ought to be broad minded enough, and great enough, and big enough not to try to quibble because I call them an army instead of calling them marines.

Mr. BINGHAM. I am not desiring to quibble, but the Senator is trying to prove a very delicate, technical point; and when he wants to be technical about the use of the term "war," he should be careful to distinguish between the use of the word "marines," who, everyone recognizes, may be properly used in foreign countries for the protection of American life and property, and the term "the United States Army," which may not be so used properly.

Mr. NORRIS. I suppose that if Congress desired they could provide that hereafter all the forces of the United States should be called marines, that we could have 200,000 marines, and then we could carry on war, we could use those marines to invade countries, to kill people, and to destroy property, and we would escape the charge that we were carrying on a war, because we called them marines instead of soldiers. A rose by any other name would not smell any different. It would be just the same.

Mr. BINGHAM. But it would have to be done by the vote of the Congress.

Mr. NORRIS. Exactly; that is what I am pleading for, and in this case it has not been done by act of Congress. The Senator is going on the theory—I think it is quibbling; it is way beneath what a great statesman like him ought to try to do—that the President can send as many marines as he desires to take possession of any country, and still not violate the Constitution of the United States, which says that Congress alone may declare war. He can carry on a war with marines just as well as he can carry on a war with men who are called something else. I do not care what they are called.

Mr. BINGHAM. If the Senator chooses to quibble over the use of the word "war," I have nothing further to say.

Mr. HEFLIN. Mr. President, if the Senator will permit me there; you kill the natives of Nicaragua just as dead with the marines.

Mr. NORRIS. I suppose that when a man is killed it will not make much difference to him whether he was killed by a marine or a soldier or a sailor; he is dead just the same.

Mr. BORAH. Mr. President—

Mr. NORRIS. I yield.

Mr. BORAH. I seem to misunderstand the contention. Does the Senator from Connecticut claim that, so far as the question as to whether the President is making war is concerned, it makes any difference whether he is using the marines or part of the Army?

Mr. JOHNSON. I am interested in that, too.

Mr. BORAH. Does the Senator contend that, so far as the act of making war is concerned, as to whether the President is carrying on war or whether war is being waged, it makes any difference whether the President is using the marines or using a part of the United States Army?

Mr. BINGHAM. Not if the President is engaged in making war.

Mr. BORAH. Whether it is the marines or the Army throws no light on the question here as to whether the President is making war. Certainly he can make war with the marines just the same as he can with the Army.

Mr. BINGHAM. But it is not necessarily true that when marines are used we are engaged in war.

Mr. BORAH. No.

Mr. NORRIS. Nobody said so.

Mr. BORAH. Neither would it be necessarily true that if he were using the Army he would be engaged in war. If the Army were used solely for the purpose of protecting American life and property, it would not be waging war, although the President had the entire Army there.

Mr. BINGHAM. Undoubtedly the Senator realizes that in the present situation in China the President very carefully refrained from sending the Third Battalion of the Fifteenth Infantry from the Philippines to Tientsin when the lives and property of American citizens were in danger, to protect them,

because he was afraid that that would seem like an act of war, whereas he sent a great many more marines to Tientsin to protect American lives and property, because that could be done without infringing the rights of China, as would have been threatened had he used the Third Battalion of the Fifteenth Infantry.

Mr. BORAH. No; Mr. President, he could have used the Third Battalion for the same purpose for which he used the marines. As a matter of policy, and for its effect upon the Chinese people, a different question might arise; but as a matter of whether or not he was waging war, as an actual fact, it would not make any difference whether he sent the Infantry or sent the marines.

Mr. NORRIS. I do not suppose it would be claimed that it made any difference whether he sent the Cavalry or the Infantry. It would not make any difference whether he sent the air force or the Navy, he would send that which he wanted to use, and which, in his judgment, he could most effectually use. If what they did constituted war, it would be no defense to say that the fellows were not called soldiers. I suppose the Senator from Connecticut could say that the men who bombed the villages and the towns and the followers of Sandino were not members of the Army, and therefore that the bombing constituted no act of war. The point I want to make—and I almost apologize to the Senate for trying to make it—is that it does not make any difference whether you call the men marines, or soldiers, or sailors, or what not, that has not anything to do with the case any more than the uniform which they wear.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. SHORTRIDGE. I think I understand the Senator's position, but if he will answer me categorically, is it the Senator's position that a state of war has existed and now exists in Nicaragua as between the United States and that Government, or anyone claiming to represent the Nicaraguan people?

Mr. NORRIS. Yes, Mr. President. To say that a state of war exists does not necessarily mean always that there must be a government. There was no Federal Government in this country during the Revolutionary War. No one will claim that that was not a war. There was no Federal Government here at that time. There were 13 independent Colonies. There was not any declaration of war, and, of course, no one will claim that a declaration was necessary. But the war went on, and all the world realizes and knows that the Revolutionary War was a war which lasted eight years, and it has always been so recognized.

Mr. SHORTRIDGE. The Senator will observe, however, that my question was not limited to an existing war as between two existing governments.

Mr. NORRIS. I understand the Senator's question.

Mr. SHORTRIDGE. Does the Senator claim that there is a war to-day as between us, this Government, and anyone representing the Nicaraguan people?

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. A state of war?

Mr. NORRIS. Yes; that is what I have said, or tried to say several times, that there is such a condition, that it constitutes war, and that it is war right now.

Mr. SHORTRIDGE. As a legal proposition?

Mr. NORRIS. Yes; as a legal proposition, as a moral proposition, as a religious proposition, or as a spiritual proposition. Let us not be technical. Let us take the conditions as they are.

Mr. BINGHAM. Let us be accurate.

Mr. NORRIS. Yes; let us be accurate; and so, to be accurate and to be technical, we would say, according to the Senator from Connecticut, that there is not any war because all the destruction of these lives and this property was by marines rather than by soldiers.

Mr. BINGHAM. Does the Senator maintain that General Sandino has set up a government?

Mr. NORRIS. No; he has not had a chance. He does not get a chance. Will the Senator maintain that George Washington had set up a government? He had not set up any government, and the Government was not set up for years after the Revolutionary War was over.

Mr. BINGHAM. The Senator thinks that the Continental Congress, then, did not constitute a government?

Mr. NORRIS. I did not say that. The Senator can draw that conclusion. If he were an uneducated man, I would think he might draw such a conclusion, but with the great ability of the Senator I can not understand how he will try to quibble out of it, and draw that kind of a conclusion. I did not say anything of the kind. I did not say anything by any possible construction could be construed into meaning that.

Thomas Jefferson in his definition—

Mr. BORAH. Mr. President, before the Senator leaves that, may I say that the subject which the Senator from Nebraska is discussing is one of very great general interest. What its application may be to the amendment before us is a different proposition, as he said in his opening.

Mr. NORRIS. Yes.

Mr. BORAH. But we ought to keep in mind, when we are determining the question of whether the President is initiating a war or carrying on a war, that we are trying to distinguish between the powers of the Congress and the powers of the President, trying to get the correct construction of our own Constitution. It is not like a case where you are trying to settle belligerent rights between two different nations.

Mr. WHEELER. Mr. President—

Mr. NORRIS. I yield.

Mr. WHEELER. A few moments ago the Senator from Connecticut made the statement that at the time Diaz was put into office there were no marines and no Army officers and no naval officers in Nicaragua, as I understood him; and he wanted to have the record kept straight. For the benefit of the Senator from Connecticut, and for the purpose of keeping the record straight, let me say that at the time Diaz was elected, and before he was elected, Lawrence Dennis, who was the American minister in Nicaragua, had his picture taken with Diaz, and then they paraded up and down the street with American soldiers or American sailors off of one of the American warships that lay in the harbor.

Mr. NORRIS. Of course, that would not constitute war, according to the theory of the Senator from Connecticut, because they were sailors, they were not soldiers.

Mr. BINGHAM. Does the Senator think that every time a group of sailors goes ashore in a foreign country it constitutes war with that country? That is an extraordinary theory.

Mr. NORRIS. I suppose the Senator is asking that question for information. I thought he probably understood that without asking the question. Perhaps I have an exaggerated idea of the Senator.

Mr. BINGHAM. That seems to be the implication of the Senator from Montana.

Mr. WHEELER. Oh, no.

Mr. NORRIS. I will say, in answer to the Senator, no. That is a kind of a kindergarten question, but the Senator wants to know, and I will give him the information.

Mr. EDGE. Mr. President, I do not want to interrupt the Senator—

Mr. WHEELER. Let me just say that that was not the implication of the Senator from Montana, but the impression I gained from it, and the impression that was given to the people of Nicaragua. The statements that were issued were to the effect that Diaz would be acceptable to the Government of the United States, and for the purpose of showing that he was acceptable, Dennis and the American soldiers and sailors paraded up and down the streets of Nicaragua to show the people there that the American Government was back of him, and that they would back him up with their Army and with their Navy.

Mr. EDGE. Mr. President, I want to discuss that phase.

Mr. NORRIS. Let me discuss it before the Senator interrupts me.

I do not regard it as extremely important, as I said a while ago, whether at any particular time there were soldiers or sailors or marines in Nicaragua, or whether there were marines there or soldiers there or sailors there at the time Diaz was put into power by us. It is sufficient to say, it seems to me, that the evidence stands undisputed that there are at the present time, and for quite a long time past there have been, American forces there, they are there now, they have been interfering with the Government of Nicaragua, have been attempting to assist the side we set up originally as against the other, they participated in a civil war, and are, under the control of the Government, undertaking to go on and get in control of all of it for the purpose of holding an election, without the consent of the American Congress or the Nicaraguan Congress. Now I yield to the Senator from New Jersey.

Mr. EDGE. The Senator will recall that I drew attention to the fact that the American marines were attacked by Sandino's forces and that, taking the offensive in a natural desire to save their own lives, undoubtedly were, as I frankly said before, pursuing what would be properly interpreted as technical warfare. I want to ask the Senator this question. I understood him to say that he thought they were entirely justified in doing that, Congress not being in session, and even if Congress were in session. What is the Senator's view as to the next move? They are now pursuing men who have attacked them. They did not provoke the attack.

Mr. NORRIS. How could Sandino have attacked the American Army if the American Army had not been in Nicaragua? Sandino does not have ships, he does not have flying machines, he does not have automobiles. It is admitted that whatever army he has is in Nicaragua, and has been all the time. Now Senators want to say, on the one hand, that our Army was not there, that we did not have anything to do with it, and that we are fighting these fellows because they attacked us. It is subterfuge, Senator. It has no truth for its basis. We all understand what the facts are. We are there, and our Army was there before Sandino became what you call now a despot and a bandit. We were there then. We said to him in so many words, "We are going to supervise this election. We are going to keep Diaz on the throne until the expiration of his term. You can lay down your arms or we will compel you to do it by force." There is no dispute about what the facts are. The Senator says they attacked us. Does he suppose these men, even though they be bandits, are to be followed through the hills and marshes, bombs dropped upon their homes, their property destroyed, their towns burned, and that they will never attack us in return? Is it not the most natural thing in the world? That is what makes war.

Mr. EDGE. Perhaps it is. I did not understand the Senator's viewpoint to be that the President did not have the right and the constitutional power originally to have sent the troops to Nicaragua, whether it was for the purpose of bringing about peaceful conditions and protecting American lives and property by supervising an election, or whether it was for some other purpose. I thought he had agreed that the President had a perfect constitutional right to send troops.

Mr. NORRIS. It depends upon conditions. I have said and I believe that while there might be conditions under which he could do it, he has no right to take possession of their territory; he has no right to take sides between two factions engaged in a civil war. When he does that he makes war under this definition, and there can be no dispute about it. He has no right to take possession of that country and their affairs. That is war. He has done it, and he is doing it now. He does not deny it. He admits it. He says he is going on until the expiration of the Diaz term.

We might conceive of a condition where he ought to land troops in Nicaragua, but we can not conceive of a condition in this civilized world where he would do the things he has done in Nicaragua if it was a government which was big enough to take care of itself. No man for a moment would think that he would dare to do such a thing in Canada, yet he has the same right. He would not do such a thing in Japan. He would not do such a thing in Great Britain. He would not do such a thing in any government that is able to take care of itself. Why should not the principle apply to the poorest and the weakest as well as the greatest and the strongest?

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. FRAZIER. Does the Senator from Nebraska think that the size of the country has something to do with the interpretation of the Constitution?

Mr. NORRIS. One would think from some of the questions which have been asked here that that might have something to do with it.

Mr. SIMMONS. Mr. President, may I ask the Senator from Nebraska a question?

Mr. NORRIS. Certainly.

Mr. SIMMONS. I want to ask the Senator if he has been able to discover any evidence that at this time or recently Sandino has been doing anything to interfere with the rights of Americans in the possession of their property or to imperil their lives?

Mr. NORRIS. Not that I know of.

Mr. BINGHAM. Has not the Senator heard of the case with which the Senator from California [Mr. SHORTRIDGE] is familiar?

Mr. NORRIS. Yes; but that is not the question.

Mr. BINGHAM. Has not the Senator from Nebraska—

Mr. NORRIS. Just let me talk, if the Senator please. I have the floor.

Mr. BINGHAM. I beg the Senator's pardon.

Mr. NORRIS. That is not the question asked by the Senator from North Carolina. He asked whether Sandino is doing anything now. I understand the Senator from California claims that several years ago Sandino committed robbery, that he robbed a man or killed an American citizen, or something of the kind.

Mr. BINGHAM. It was not several years ago. I think the Senator is mistaken.

Mr. NORRIS. I do not know when it was.

Mr. BINGHAM. It was a few months ago, during the present episode, while he was a rebel against the Liberal Party, that he seized this mine belonging to a citizen of California and destroyed property of the value of a million dollars. I was surprised to hear the Senator from Nebraska say he was not familiar with any such thing.

Mr. NORRIS. So far as the question of war is concerned, I would be willing to admit that he took possession of 100 mines. That only makes my case all the stronger. If he is taking mines and taking property like an army does, like our Army does, like every army does when it is in the field, that is another demonstration that war is going on down there. Why should not the army take a mine? Why should not they take anything they think necessary? We do it. We kill people, we burn houses, and destroy villages. I do not think we ought to be there doing it; but if we are carrying on war we have a right to do it, and that is one of the reasons why I maintain there is war there now.

Mr. BINGHAM. In reply to the question asked by the Senator from North Carolina [Mr. SIMMONS], the Senator from Nebraska should change his answer.

Mr. NORRIS. No; I will not change it. I will let it stand. If the Senator from North Carolina will let his question stand it will be read in the Record, and it will be found that my answer is technically correct, so far as I know. I do not know, from the very beginning, of instances where either Sacasa or Moncada or Sandino were trying to destroy American property or kill American citizens. There is the best reason in the world why they should avoid it wherever they could, because they knew that that would bring down upon them the power of the American Government. There is no doubt in my mind, although some Senators claim to the contrary—and yet I have the approval of the Senator from Idaho [Mr. BORAH], who has probably studied this question more than any one else—that the question of the destruction of American lives and American property is mostly a myth. They did not undertake to injure them. They were careful not to do so. It was the most natural thing in the world not to do it. They did not want to do it. But there would come times in carrying on the war, of course, where anybody's property might be seized, where anything that would sustain an army might be taken. That is civilized warfare, and because Sandino did it and because we do the same thing now is only more evidence that there is war existing in Nicaragua.

Mr. President, I have for some time tried to repeat some of the definition given by Thomas Jefferson.

Mr. SHORTRIDGE. Mr. President, will the Senator yield? Mr. NORRIS. Will the Senator let me finish this and interrupt me later?

Mr. SHORTRIDGE. Very well.

Mr. NORRIS. Jefferson's definition continues:

When any attempt is made to take over or control the territory—

We are doing that—

to use force for the collection of claims due to American citizens—

That is another reason not involved in this case—

to interfere with the military operations of foreign troops—

That is what we have done from the very beginning—

or above all to interfere between two governments which claim to be the legal government of the country.

That is just the condition that existed down there until we compelled one of them to surrender. In other words, according to this definition of what is war, we have it in Nicaragua on all fours. There can be no doubt about it that it is war.

I am merciful to the President of the United States when I claim it is war. If I had the idea that those Senators who contend there is no war, then I do not know what I would be compelled to say about the President, because he has used the armed forces of the United States to destroy human life, to burn villages, to bomb innocent women and children from the air. He can do that if there is war, but if there is no war between the countries then what must be said of that kind of conduct? The people who are trying to excuse every act of the President, no matter what it may be, are getting themselves in a hole and are putting their hero in a position where he would be subject to much more and much more bitter criticism than I am trying to administer.

I yield now to the Senator from California.

Mr. SHORTRIDGE. If war exists, it exists between this Government and Sandino, does it not?

Mr. NORRIS. I think so; but I am not on the witness stand. I am not going to be the Senator's witness. Let him ask his question.

Mr. SHORTRIDGE. My question is, if war exists, and of course the Senator has stated that it does, then does not war exist as between this Government and Sandino or his forces?

Mr. NORRIS. Yes. I want to repeat to the Senator what I said a while ago, that there can be war even if there is no organized government.

Mr. SHORTRIDGE. Yes; I so understood the Senator.

Mr. NORRIS. And our own country is a living example, having been born under those conditions.

Mr. SIMMONS. Mr. President, will the Senator yield to me again?

Mr. NORRIS. Gladly.

Mr. SIMMONS. If the Senator will pardon me, I have assumed—whether rightfully or wrongfully I do not know, because I have not had an opportunity to make a study of the question; I have depended largely upon the public press for my information and upon speeches I have heard here upon the floor of the Senate—I have assumed that Sandino, at present at least, and probably in the beginning, was engaged in a revolution in an attempt to overthrow the Diaz government. I have assumed also that in the beginning of the struggle, probably in the disorder that was occasioned, harm or injury might have been inflicted upon Americans either with respect to their property or their lives.

But I have assumed, since I did assume that to be the case—and that is why I asked the question of the Senator a few moments ago—that if that had happened in the first stages of this revolutionary movement, then when the United States interceded for the purpose of protecting American property, Sandino had sufficient sagacity to know that this Government was able to protect its property and its citizens, and that he dared not to continue to trespass upon the rights of American citizens.

The question that I asked was whether at the present time there is any evidence that Sandino, in carrying on his revolutionary operations against the Diaz government, is interfering with the rights of American property or jeopardizing the lives of American citizens?

Mr. NORRIS. That is the question the Senator asked me before and the question that I answered, and I said I did not know of any such evidence, and I still stand by that answer. If there is any such evidence, I do not know what it is, and it is not an answer to say that some time ago this man, who has been denounced as a bandit, did something that was wrong. That does not answer it.

I want to say in further answer to the Senator that Sandino was a part of Moncada's army. A part of that army surrendered to the United States and we disarmed them. They surrendered to our forces. Sandino refused to do it. He is a part of that army, so he is fighting the United States. He claims that the United States has no right on the territory of Nicaragua to take control of that Government. He is contesting that right in his feeble way, and that constitutes war again.

Mr. EDGE. Mr. President—

Mr. NORRIS. I yield to the Senator from New Jersey.

Mr. EDGE. If the Senator will permit me, I would say positively that evidence was given before the Committee on Foreign Relations, and I shall be glad to insert it in the RECORD later, to the effect that Sandino had occupied, during the present manifestation, American property and exacted fines or tributes and destroyed American property.

Mr. NORRIS. I am sorry the Senator from New Jersey does not understand the question of the Senator from North Carolina.

Mr. EDGE. I understand his question.

Mr. NORRIS. The Senator's question is whether Sandino is now destroying property or trying to destroy the property of Americans. Is he now trying to kill citizens of the United States? I said I have no evidence of it.

Mr. EDGE. I understood the Senator's question was whether he had done so during this present episode.

Mr. SIMMONS. No; I did not ask that.

Mr. EDGE. That is, within three or four months.

Mr. NORRIS. Mr. President, in carrying on a war either side has a right to take possession of the property of the neutrals of the other side. We have done that in every war in which we have ever been engaged.

Mr. KING. And of our own nationals.

Mr. NORRIS. Yes. Why should not Sandino have the right to do it? Are we going to deny that right? With this highly civilized country of ours standing upon a pedestal before the world, flaunting our security, and claiming that we are only moved by peaceful motives, are we going to deny to this tramp whom we call a bandit, this outcast, the same privileges that we assume now and always have assumed?

It is perfectly foolish, it seems to me, for grown men to make that kind of contention, and I am surprised that anybody should do so.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

Mr. NORRIS. I yield.

Mr. KING. Mr. President, the Senator from Nebraska will recall that in the recent war the United States took possession of the property of American nationals and has not paid them for it to this day.

Mr. NORRIS. The United States took possession of the property of German nationals.

Mr. KING. The Government took possession of the property of German nationals, but it also took possession of the property of our own nationals. The Senator from Nebraska stated that during time of war we have the right to take possession of the property of neutrals, but we also took possession of the property of our own nationals.

Mr. NORRIS. We have that right, and nobody denies it.

Mr. KING. We had the right to do so, but under our Constitution we promised that we would pay; yet in a number of instances suits have been brought which have not as yet been terminated, and American nationals, as I am advised, are still without payment for property which was taken by our Government. So, if Sandino did take the property of American nationals in his country, he did no more than we did in the case of our own nationals in the United States during the recent war.

Mr. NORRIS. Mr. President, I think that is a fair statement of the case, and I do not believe anyone in his sober moments can dispute the proposition that the Senator from Utah has laid down and which I tried in my weak way also to lay down.

Mr. President, let us see what we have been doing there. Several thousand marines have from time to time been taken down there; we have an army in Nicaragua that far surpasses the army that we are fighting. From official records, from the report of the Secretary of the Navy that was laid before the Senate not long ago, we find that we have used 36 American vessels in carrying on that contest. Does that look like war? Does that look as though we were trying to defend somebody's property or somebody's life against a little nation? Does it require 36 American vessels to transport our soldiers, even though we call them marines, down to Nicaragua, and to transport munitions of war, airplanes, and bombs in order to protect American lives and property?

Mr. CARAWAY. Mr. President, may I ask the Senator from Nebraska a question?

Mr. NORRIS. Yes.

Mr. CARAWAY. I believe we assumed the right to seize the arms of the contending forces in that country. If there is no war down there, what is that?

Mr. NORRIS. Yes; we not only claimed that right, but we have exercised it. We went in there when there were two factions fighting for supremacy, and we disarmed them all, except Sandino. Sandino is a part of the army that we were going to disarm, but he refuses to be disarmed. Whether it is right or not, whether he is using good judgment or not, is entirely beside the question. The point I am now making is that it is war and nothing else can be made out of it. We have spent many millions of dollars in the aggregate; we have lost many precious human lives; we have killed hundreds and hundreds of Nicaraguans, many of them having been unarmed. That is one of the results of war. I am speaking of that now to show that there was war and that there is now war.

Let us see. I hold in my hand an announcement by the Associated Press no longer than a few days ago; in fact, it was printed on the 13th day of this month:

MANAGUA, Nicaragua, April 13.—Determination by American marines to use their every resource in rounding up the remaining followers of the rebel general, Augustino Sandino, was seen to-day in announcement of operations in northern Nicaragua.

A new landing field was opened at Condega. This made nine fields scattered throughout the country to which transport planes could carry men and munitions during the rainy season, which, starting next month, will make the jungle trails impassible to transport trains.

By force of our Army, called marines, we have taken nine fields in different parts of Nicaragua, "to which transport planes could carry men and munitions during the rainy season." Does that look like war? Is that an effort to save somebody's life? Is that an effort to protect somebody's property? No, Senators, that is war.

Mr. CARAWAY. That is but an incident to holding an election.

Mr. NORRIS. This dispatch continues:

Land troops are disposed in 48 posts—

Does that sound like war? That is in accordance with the Jeffersonian definition. We are taking possession of the country. We have our troops in 48 different places in Nicaragua—to which provisions, arms, and ammunition have been going forward steadily during the past months, since Maj. Gen. John A. Lejeune, commander of the marines, came to Nicaragua to survey their activities. Twenty-five patrols are operating daily through the area where the Sandinistas and their leader are said to be hiding.

Does that look like trying to protect somebody's property? That is the pursuit of an army. Senators may say they are bandits down there, but the Nicaraguans say that Sandino is the Nicaraguan Washington. I heard some Senators discussing this matter the other day leisurely and good naturedly, and one of them said, "I saw the Nicaraguan Army; they were a lot of ragamuffins; they were barefooted; they were dressed in overalls, and wore straw hats."

Mr. President, when I was a small boy, away back among the Buckeye hills, I was taught out of a little history that there was a man by the name of George Washington who had an army at Valley Forge, and that they were almost naked in the dead of winter; they did not have even straw hats; they did not even have overalls, and many of them, like the Nicaraguans, were barefooted. That book further told me that they left the marks of their tracks on the snow and the ice from their own blood as they traveled to and fro in that great army of Washington. Are we now to say that Sandino, because he is ragged, because he has not sufficient money with which to equip his men or to clothe them properly, is, therefore, not entitled to be treated even according to the rules of war?

Mr. President, I wish to read briefly from an article by Mr. Beals, whose articles have been running for some time in the Nation. He went down to Nicaragua and finally got in touch with Sandino's army. He describes it to some extent. I shall not read from the article at length, because it would take too long, but he tells their condition; he tells what they are doing. The statements that I shall read will be those which he asserts have been corroborated. He makes other statements as to incidents which were related by Sandino and his followers, but without other corroboration. I am not going to read anything of that kind, but I am only going to read what this writer says he saw and some of the conclusions that he has drawn from what he saw:

The marines are not accustomed to fight in tropical forests, and they are dealing with a tricky opponent who declares "God and my native mountains are fighting for me." It is perhaps only prudent before advancing into a dense growth of these hostile mountains—especially since ammunition is plentiful and the American taxpayer generous—to blaze away with machine guns. But in these mountains and in these forests people have their homes, humble to be sure, and their little clearings, both invisible a few yards away. One of the juanas, or camp women, wounded in the forehead by a piece of shrapnel in an aerial bombardment of El Chipote, put it to me, "The Machos [Americans] have killed many civilians, many animals; they have burned many homes, but they've been careful to kill few Sandino soldiers."

Some of these stories may come from official Sandino sources. General Sandino showed me the following letter he had received:

Then follows a letter—

On December 6 this town (Ciudad Antigua) was attacked by two Yankee airplanes, the combat of machine guns and bombs lasting an hour and a half, as a result of which—

Then he goes on to tell what the results were. I am not going to read it all, because, as I have said, I do not want to read anything that has not come within the actual visual observation of this writer.

When I went through most of Mataguineo the inhabitants were in such a state of fear that on the approach of strangers they either whipped out their guns and shot without warning or else took to the hills in full flight. We always sent a single, unarmed Indian ahead of us to advise the householders that friends were approaching and not to take flight or shoot.

As we came nearer to El Chipote the sense of desolation became more overpowering. And when we landed in Murra at sundown on a rainy night and found the town completely deserted, the effect was gruesome in the extreme. The fear of war gripped us with a hundred vicelike terrors. Everyone had left Murra hurriedly. Some of the doors were padlocked; others had been hastily tied with pieces of cloth or rawhide;

some were not even tied. From the refugees we learned that they thought the place would be sacked and burned by the marines.

That is a pleasant thought! That is war, Mr. President. We are carrying that on. Did it occur to you, sir, that the American flag is leading that kind of attack; that it is being done in the name of this blessed Government, which we say is founded upon human freedom; that it is being done by our authority; that it is being done by our President? Does that look like protecting human life, or does it look like the protection of property? We have these people frightened to death; there is not any question about that.

Most of the belongings—

Says this writer—

had been left behind. Only a few valuables or cherished objects which could be carried on the shoulder or head had evidently been removed. Those people were not running from Sandino; they were running from the marines.

And as we proceeded we found the mountains silent, depopulated; the food supply was for days exceedingly difficult. At the few houses where people remained there were only men; they had sent the women into hiding with all available food. It grew more and more terrifying to go on, without proper equipment, into mountains from which most of the human inhabitants had vanished. We were lucky to get a few green bananas, a few tortillas—without salt, for salt had become more precious than gold. The refugees who had not gone into Honduras had gone deeper into the wilder mountains. They had found concealed nooks where they had built temporary lean-to's out of branches and sulta palm. In many cases they had even concealed the entrances to the narrow paths leading to their erstwhile abodes. All the way to Little Mataguineo we found no people, only evidence here and there of the passing of refugees. In Little Mataguineo, a place of one house, we came upon a family—man, wife, three children, and a sick old man with a bandage around his head—all emigrating, but they were kind enough to share a few beans with us—again without salt. The owner of the house, we learned, was in the vicinity, but in hiding.

When we later crossed into the Coco River basin the cry was the same: "The Machos are coming!" "They will burn our houses." Here again part of the region had lost many inhabitants.

Whatever the rest of Nicaragua may think of us, this little corner knows only bitterness and hatred. We have taken a place in the minds of these people with the hated Spanish conquerors of other days. The password runs among the people and it echoes in their song, "We must win our second independence; this time from the Americans, from the Machos, the Yankees, the hated Gringos." Names enough they have for us.

My personal opinion is that if Sandino had arms he could raise an army of 10,000 men by snapping his fingers; that if he marched into Managua, the capital, to-morrow, he would receive the greatest ovation in Nicaraguan history. America's friends in Nicaragua are the politicians who have bled the country for so many decades; they are the politicians who wish to stay in power, or to get into power with our help. I would not advise any American marine to walk lonely roads at night in Nicaragua.

Mr. President, this writer goes on to tell how he saw these people who were trudging along, some of them carrying some little trinket that they had taken from their homes, some carrying a little food, some leading a little child, some with bandages about different parts of their bodies where they had been wounded. I remember that he tells about one woman driving a pig, and others taking what little they could into places where they could hide in order to escape our Army—our Army, the American Army, dropping bombs, scaring and frightening these people. They are more frightened than we would be; but we would be frightened under the same circumstances. These people are unused to the civilization that we claim for ourselves. They are not familiar with airplanes and big navy vessels and well-uniformed armies; and when there are dropped out of the heavens the bombs that burn their homes, that shatter their bodies, and scatter the fragments to the four winds of heaven, is it any wonder that these people are emigrating and hunting places in the mountains for the concealment of themselves? Is it any wonder that they have no food? Is it any wonder that the Nicaraguan Army has to go barefooted and wear overalls and straw hats?

My own impression is, Mr. President, that if the American people could see the suffering that is being caused down there they would rise as one man and say, "Get out of this country! Let their country alone! There is nobody there who wants you, except" as this man says, "a few politicians."

It is conceded that a large majority of the people are opposed to Diaz, the man whom we put in power and who is maintained in power by our Army. They are opposed to him. He could not hold his job 24 hours, as I said a while ago,

without the assistance of our Army. Everybody admits it; everybody knows it; and still we are appropriating money to carry on that kind of a warfare.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. CAPPER in the chair). Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. Yes.

Mr. KING. I invite the Senator's attention to a fact with which he is more familiar than I—that during the World War, when it was charged that the Germans were dropping bombs upon French cities, and some of their airplanes passed over London and over English towns and dropped bombs, we denounced those acts as atrocities that were outside the pale of civilized nations; and yet in the case of those poor, defenseless people in Nicaragua we send our armies down there and our airplanes, and we drop bombs upon their little villages and hamlets and destroy and kill and wound and burn.

Mr. NORRIS. Mr. President, those people are moved by the same things that move us. They have the same sensations that all other human beings have. If you prick one of them with a pin it will hurt as badly as though he were an American, wrapped up in the American flag. They love their little children. They love their homes. We would call them hovels, but they are the best they have. We have burned them and destroyed them and killed some of their little children, killed some of their wives, killed some of their women, every one of whom was unarmed and not a single one of whom had ever raised a finger against us. Not one of them had ever done anything against us. They had nothing against us. They wanted to be our friends, and still we are carrying on this warfare against them.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. Just a moment.

Why, Mr. President, through it all, and while these people are running to get away from our Army, I can not conceive of a worse condition. Maybe, Pollyannalike, they thank God that they do not live in Chicago, but at least they are as bad down there; and that leads me to inquire, Mr. President, if President Coolidge wants to use the Army and the Navy and the marines and the sailors to purify elections, why does he not go into Philadelphia, where they vote men who have been dead for 15 years, where they get the names off the tombstones in the cemetery—something they can not do in Nicaragua, because they do not have the money or the financial ability even to put up tombstones at the graves of their dead? Even now for some time we have been deprived of the association and the assistance of the lone Senator from Illinois [Mr. DENEEN], the statesman from Chicago, who has had his time almost entirely taken up in Chicago delivering funeral orations over his dead political heroes.

There is room enough at home if we want to reform somebody. If we want to purify an election, we have the whole United States before us. There are many places where we ought to devote our energies instead of interfering down there; and why down there? What for? What good is it going to do? What are we going to accomplish by killing those men and those women and those children and burning those little hovels and those little homes? What are we going to accomplish?

If Sandino is no more than they say he is, and we are bound to hold an election, why not go on and hold it? He can not interfere with us. He is up in the mountains. He is driven away. He can not come to a voting place. We can hold the election; but we are following him. This Associated Press article shows that there are many places in Nicaragua where we have headquarters. We have 49 posts where we can carry provisions and munitions of war and men with airplanes, even after the rainy season begins. We have 25 places where we are engaged in surveying activities, marching men back and forth, policing the country. We have taken possession of it. We have used the force of arms to do it for the purpose of holding an election it seems now. They have given up the idea that there is any property to be preserved, or that the lives of any Americans are in danger, and they say now, "We are going to hold an election."

Let us see for a moment about that.

In the first place, we put Diaz in power. We keep him in power with our Army, and we make an agreement with him—which is making an agreement with ourselves—that we will supervise an election. The American Congress has not passed any law that gives that authority. The Nicaraguan Congress has not passed any law that gives that authority; but we have made an agreement with ourselves that we are going to supervise an election down in Nicaragua, and that is what we are

doing. That is what we are getting ready for; and why should we supervise an election?

It is said now that since we have made that agreement we ought to carry it out; that we have disarmed the liberals, and therefore they will not stand a fair show unless we carry out the agreement. If we have done what Stimson's letter says, we have disarmed both sides; and that would not be a bad thing to take the arms away from all of them. If we have done that—and I assume that we have; I am going to read Mr. Stimson's letter here now, and he was going to disarm both sides—if he has done that, why not get out to-morrow? Neither side is armed. Why not get out to-morrow and let the people of Nicaragua hold their election as they want to? There will be no danger, even to the liberals, if they are the fellows you want to sustain, because the other side will not have any arms.

Let me read this letter:

DEAR GENERAL MONCADA: Confirming our conversation of this morning, I have the honor to inform you that I am authorized to say that the President of the United States intends to accept the request of the Nicaraguan Government to supervise the election of 1928—

That is the Diaz government. That is our government. In other words, the President has accepted an invitation from one of his own people to supervise that government, and he is going to do it.

That the retention of President Diaz during the remainder of his term is regarded as essential to that plan and will be insisted upon—

There you have it. There is some one speaking for the President of the United States, backed by the Army and the Navy of the United States, to Moncada. He is talking to him in this letter. He says:

We are going to see that Diaz serves out his term. We are going to insist that he remain in office during the balance of his term.

What does that mean? That is to a man, Moncada, with an army that can not compete with ours. Everybody knows that. He knows that with the great force of the Government of the United States he will eventually be conquered; he will eventually have to surrender; and so, in my judgment, it is surrendering at the point of a gun.

Let me read on—

that a general disarmament of the country is also regarded as necessary for the proper and successful conduct of such election—

To begin with, we have decided—there is no compromising here—the Government of the United States has decided, first, that Diaz shall remain in office until the expiration of his term. Second, the Government of the United States is going to hold an election in Nicaragua. Third, in order to carry that out a general disarmament is necessary.

and that the forces of the United States will be authorized to accept the custody of the arms of those willing to lay them down, including the government, and to disarm forcibly those who will not do so.

In other words, we say: "The United States Government is going to keep Diaz in power. We are going to disarm everybody. We are going to use the whole Army of the United States to do it if necessary. We are going to hold an election, and we are going to disarm both sides; and those who do not willingly surrender and lay down their arms will be forced by the power of the Government of the United States to do so." That is the contract that we are asked now to carry out!

If there ever was a contract that was void on its face, if there ever was a contract that was brought about by force and intimidation, that is one of them. Nobody can dispute it. In the first place, we make a contract that we have no authority to make. We make a contract with somebody else, and we compel them by force to surrender their arms and lay them down. We compel a surrender, and now we say, "If we do not carry that out we will be violating our contract."

Mr. President, if we are to permit precedents of this kind to go uncriticized; if we are to permit the President of the United States to use the public funds that we appropriate to carry out that kind of a contract, made without any authority of law, made with people who are defenseless and who are forced to sign on the dotted line, who are compelled to surrender at the point of a gun—if we are going to approve that precedent, then where is the next Congress coming in with the next precedent? We will not have to go any further than that. That precedent is enough to permit any man who is President of the United States at his own sweet will to plunge this country into a war with any country on earth. Nobody can dispute that. No one can get away from that; and we will have a President some day who will do that very thing.

Talk about amending the Constitution because we are trying to put this legislation on an appropriation bill! Great heavens!

Have we not amended the Constitution already? If this is sustained, have you not taken out of the Constitution that provision which gives to Congress the right to make war? You have, as fully and completely as though it had a constitutional majority here and had been approved by a sufficient number of State legislatures. You have given to the President of the United States the power to make war at any time against anybody that he pleases to make war against. There can be no escape from that.

Mr. President, I am coming to the point now where I want to plead for the American Government; I want to plead for its perpetuity; I want to plead for the continuation of the life of our Government; I want it to continue to be a representative government; I want it to be a democracy, a liberty-loving democracy, that will stand before the world as an emblem of human freedom. To do that, I must stand against the usurpation of this authority; I must condemn, and the Senate and the Congress ought to condemn, by refusing to appropriate money to carry it out—such an unholy, such an illegal contract as that—however good the motives may be of the men who made it.

I want to call attention, on that point, to what George Washington said in his Farewell Address, one of the finest documents, it seems to me, that has ever been penned by human hand.

Mr. KING. Mr. President, before the Senator proceeds to that will he suffer an interruption?

Mr. NORRIS. Yes.

Mr. KING. I listened with very great interest to part of the address of the able Senator from Idaho [Mr. BORAH] the other day, and was called from the Chamber before he concluded. I have also listened to a number who have spoken, with a view to ascertaining what limitations, if any, there were upon the power of the President to enter into agreements which, in effect, were treaties, which, in effect, according to the contention of some, constitute the supreme law of the land, the Senate having no voice whatever in the negotiation of the agreements, and the agreements never being presented to the Senate for ratification.

I should be very glad if the Senator, before he concludes, would tell us if the President may, at his discretion, enter into such agreements with foreign powers, the effect of which may be, and in some instances inevitably will be, to bring about conflicts, war, in which the United States will be involved.

Mr. NORRIS. Of course, he has no such authority; of course, he has no such power, and here is an instance where he is assuming that power; here is an instance not only where he has assumed it, but has made a contract in violation of the Constitution of the United States, and the executive department of the Government is here now to get money to carry out that contract, and it is up to us to say whether we shall appropriate the money.

It is said we should not do this on an appropriation bill. I admit this is an indirect way of doing it, but I do not know of any other way to do it. We have no other opportunity to do it, and I am opposed to remaining silent now, no matter what the result may be on this amendment and other amendments that will be offered if this is defeated. I am opposed to remaining silent. I want to put my views on record, and I want to put the Senate on record as to what it is going to stand for in this kind of a deal, whether we are going to permit our President to use the powers of his office to make a contract that the Constitution of the United States says he shall not make, and make it in a way that is more dangerous to our national life than any other action could possibly be.

It would not be so bad if the President made some contract with the governor of some State that was illegal along the same line; it would not mean the destruction of our Government; but I want to tell the Senate that if this precedent is carried out—and it will be, because similar precedents are relied on now, none of which has gone quite so far—it will only demonstrate that when you give to an official power, he will go a little beyond what the other fellow did; he will go a little bit farther. The President has now gone to the very limit, so that it will be within the power of any President to make war at any time, according to his own sweet will, upon any country on earth, and we will have nothing to do except to appropriate the money to carry it on.

Listen for a moment to the words of Washington:

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power

and proneness to abuse it which predominates in the human heart, is sufficient to satisfy us of the truth of this position.

Those are not my words; they are the words of the Father of our Country, and applied to this case they mean that if you are going to approve this precedent you will take only the first step, which will ultimately bring about the destruction of our Government and the establishment of a despotism upon the ruins. You can not get away from it. If George Washington was right, then the Congress of the United States, in his memory, if for no other reason, ought to call a halt—we ought to stop our President. It does not mean that we necessarily impugn his motives. He may have the holiest of motives; he may mean to be doing good by it; but he is using an illegal means to do it, and some one following him, even though he does good by this wrongful act, will use that wrongful act as a precedent to do something that is in itself wrong, and that will bring ruin to our Government and our people.

It seems to me, therefore, Mr. President, that we have reached the time now when the Congress of the United States ought to speak, not only because we think that Nicaraguans are not being treated right but for the salvation of our country, realizing that we are approaching a point where, if we do not call a halt, we eventually will bring down the structure of our Government upon our heads.

Mr. NORBECK. Mr. President, no country in the world is so far away that its welfare is not our concern to some degree, but the happenings of this continent are either in our house or in our dooryard. We must frankly take their part in dealing with any trouble that arises between the Arctic Ocean to the north and the Panama Canal to the south. I only plead for a little more frankness in the admission of well-known facts toward the solution.

As to the countries bordering on the Gulf of Mexico, there have been lengthy debates in Congress from the beginning of our history. The speeches have referred to the limitation of our Constitution and the duties of the American Government. They have had to bear on the question of self-determination and religious freedom, as well as the protection of life and property. The debates in Congress have apparently been exhaustive, but never a word is said as to why our troubles come to the south of us and never to the north of us. One would almost be led to believe that the same steady, self-reliant people that inhabited Canada have a counterpart in every island and every Republic to the south of us. If so, why this trouble?

It was my privilege at one time to spend about a month in a so-called republic lying south of us, a country that enjoys civil and religious liberty, if constitutional and legal declarations are to be taken at par. Their constitution was, in fact, modeled after our own. But I found the relations between the ruler and the ruled were entirely different. There was no safety for life or property unless you belonged to the faction in power. If a candidate for the presidency lost the election he would still get the office, provided he had the support of the army—ballots did not count; the elections are just pretenses.

The "upper class," if such a term can properly be used, were the property-owning class. They were the office-holding class. They were educated and cultured, and they were white—real Caucasian stock. They were not inferior people, but they did lack the stability and patience of the north European people, even though they may be well advanced in art and learning. They came from those Mediterranean countries that periodically prefer a dictator. They frequently get into a mess that requires a dictator to untangle.

But that is not the most serious situation, for Mediterranean people do not need some outsider to come in and handle their affairs. The sad thing is that only 20 per cent of the population were white—one out of every five. The other 80 per cent of the voting population were largely descendants of the old American stock that inhabited this continent prior to the discovery by Columbus. It is true there was a little mixture of white. The effect of the mixture seemed to be about the same there as on a South Dakota reservation—often the best qualities of the old stock were lost and the vices of the whites were taken on. It did not improve the situation much.

If they lived within the borders of the United States, we would recognize the situation as it is. We would not try to fool ourselves. The population of the Southern States, both white and colored, have accepted the situation, where the bulk of the responsibility falls on the whites. Even in Northern States the native population are denied the right of self-government and are wards of the Nation. If they lived in Nicaragua we might argue for their competency in self-government, but we do not if they live within our own borders.

I could imagine the resentment on the part of the Senators from Mississippi or Alabama if some protesting foreign govern-

ment should insist on a majority rule in those States and the subdivisions thereof. No Member of Congress, North and South, is for giving our own Indians the same responsibility in control of government as the white people enjoy. I do not speak of the Indian as an inferior race. He does have a different culture from ours. He has some virtues the white man lacks, but on the other hand he lacks those traits and experiences so common to a self-governing European people.

Why not accept the situation frankly and admit that we must rely on the white population in those countries for whatever stability can be given the government and whatever protection there may be to life and property, until such a time as the native population has reached that test of civilization—the willingness to sacrifice to-day for the good of to-morrow, the present for the future, and have also learned that the individual must yield for the benefit of the whole, in order to establish safety, stability, and justice?

I do not care to defend the white man's policy or philosophy in dealing with primitive races or his acts of aggression in discovery, exploration, and settlement. The settlement of the countries to the south of us is to some extent a repetition of the history of our own country. We start with letting our self-sacrificing missionaries go out and introduce the Christian religion, to establish schools and hospitals, to segregate the leper, to relieve the sick and the poor.

Next comes the enterprising American who "opens up the country," as he calls it. Plantations are established, mines are opened, factories are built. Employment is given to the natives at a wage five or ten times what they were able to earn before. A new prosperity puts money in circulation. Churches and schools get their part; towns grow up, highways are built. A new era comes into being, but it must be admitted that it is not an ideal situation. Wages are still low compared to those paid in other countries. Property is none too secure and life is often put in jeopardy.

Next we find a few natives, or more likely mixed bloods, have acquired what he calls an American education. It was not an education in the use of the spade and the hoe. It was not a development of patience and self-sacrifice, nor was it the stimulating of the better impulses of the human heart. It was rather a book learning. These young people are thoroughly familiar with our Declaration of Independence, the American spelling book, and the American dime novel. They do not believe in evolution nor in slow growth—they are for direct action and quick action. The leader has a political mind—he takes advantage of the political opportunity. He stirs the prejudice of the ignorant against the white man's invasion and calls attention to the fact that larger wages are paid in New York, and the trouble is on. Our Government has stood idly by—in fact, has even encouraged what has taken place.

A considerable number of Americans have gone into these lands with their families, some engaged in altruistic undertakings and others in money-making occupations. Trouble comes periodically, and when it comes there is nothing more natural than for the man or woman born in the United States to look to our flag for protection. The President may send the marines, and the critics will say that this is a violation of the Jeffersonian theory of self-government—though they refrain from being too specific as to when or where Jefferson said any such thing.

We are told that we are denying these people what we insist on having for ourselves—a free government—in which each individual takes its full part and receives the full benefit. Every argument we hear is based on the theory of equality between races, but the equality is not asserted. If this is a sound doctrine abroad, it should be a sound one at home. If it is fallacy at home, it should be fallacy abroad. Let us quit fooling ourselves.

I am unable to find a reason for our attitude unless it lies in a consciousness of our own wrong-doing toward the natives of this country. If atonement for our transgression is to be given, we might find it more convenient to make such sacrifice in Nicaragua than in North Dakota.

It is not so difficult to call on the Americans who are out in the foreign field to sacrifice their lives and property as a blood offering for their own misdoings. We do not intend to start any reforms in our own dooryard—we are going to start them a thousand miles away from home, where such high purpose will not interfere with our own selfishness.

INEVITABLE

I share the views of the Senator from Idaho [Mr. BORAH] that we can not change our policy abruptly. We must carry out not only written treaties but implied obligations. That all goes to the question of our national policy.

If the policy is to be changed, let us announce frankly—do it in advance and adhere strictly to the announcement—but let us not betray anybody who has relied on our counsel.

MONROE DOCTRINE

The Monroe doctrine placed additional obligations upon this country. At one time it was a necessary doctrine. The need for it does not exist to the same extent. Why not announce to the world our intention of abandoning this as far as applicable to the South American Continent at the end of a 25 or 50 year period?

UNCLE SAM'S OBLIGATION

Let us at the same time announce that we recognize it is our obligation to maintain order all the way from the Canadian border to the Panama Canal. We can not avoid the responsibility for peace and order in our own dooryard. It is not necessary to impose any unfair terms on anybody. We have been helpful to Cuba in bettering their conditions, though we have occasionally had to use a strong arm. It may become necessary to do it again, but we will have the support of the most intelligent and the most patriotic class of her citizens. We have supervised elections in Cuba, Santo Domingo, and Haiti. Our policy has not reflected party politics. We have done this under Democratic administrations as well as under Republican administrations. We are going to carry on. Why not announce our policy frankly? Let us give assurances that our policy will protect the life and property of every citizen in these countries, be he an American banker or an American laborer. Tell our citizens living in foreign lands that in case of trouble it will not be necessary to use any such false pretenses as to run up the British flag and claim protection under same. Give them to understand that our flag will be their protection to-day, to-morrow, now, and in the future, and as long as our Republic endures.

Mr. SWANSON obtained the floor.

Mr. BINGHAM. Mr. President, will the Senator yield to enable me to suggest the absence of a quorum?

Mr. SWANSON. I yield for that purpose.

Mr. BINGHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Kendrick	Sackett
Barkley	Edge	Keyes	Schall
Bayard	Edwards	King	Sheppard
Bingham	Fess	La Follette	Shortridge
Black	Fletcher	Locher	Simmons
Blaine	Frazier	McKellar	Smith
Blease	George	McLean	Smoot
Borah	Gerry	McMaster	Steiwer
Bratton	Goff	McNary	Stephens
Brookhart	Gooding	Mayfield	Swanson
Broussard	Greene	Metcalf	Thomas
Bruce	Hale	Neely	Tydings
Capper	Harris	Norbeck	Tyson
Caraway	Harrison	Norris	Vandenberg
Copeland	Hawes	Nye	Walsh, Mass.
Couzens	Hayden	Oddie	Walsh, Mont.
Curtis	Heflin	Overman	Warren
Cutting	Howell	Phipps	Waterman
Dale	Johnson	Pittman	Watson
Deneen	Jones	Ransdell	Wheeler

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

HERBERT HOOVER

Mr. BLEASE. Mr. President, will the Senator from Virginia yield to me for the purpose of asking to have something printed in the Record and to make a statement of about five minutes in connection with it?

Mr. SWANSON. I yield to the Senator from South Carolina for that purpose.

Mr. BLEASE. Mr. President, this Republic was founded by the best and most intelligent manhood that existed on the earth at the time it was brought into being. They did not have to fight their way up from the caves and jungles as the people who had established governments in other parts of the world had had to do. They came here to escape the oppression of monarchies which cursed the Old World, and with their own hands and brawn fought back the oppressors who pursued them here. They builded a government that has become, in a century and a half, the greatest nation and the freest nation that ever existed on the earth. Its keeping is in their own hands and they should have the fullest light on every question on which they are expected to pass at the ballot box.

I can conceive of no greater crime against the Republic than to mislead the people to make them ignorantly destroy their country in attempting to conduct its affairs in the way marked out by the fathers who had offered their lives as a sacrifice on the battle field to make them and their offspring free men.

When a man asks the people to intrust him and elevate him to the exalted station as their Chief Magistrate for four years the people should have all the light on his life obtainable before they should intrust him with their destiny. The candidate for this lofty position should convince the people of distinguished service he has rendered for his country before he should seek so great a reward at their hands.

One of the candidates before the people to-day seeking their suffrages for the exalted office of President of the United States is Herbert Hoover, the present Secretary of Commerce in the Cabinet of the present Executive, Calvin Coolidge. He is asking a great deal at the hands of the people of the country, and they should know who he is before they are qualified to cast a ballot for him. His life's story is best written by himself and its evolution is clearly set forth in the biographical sketches which he has furnished to the currently published books, *Who's Who in England* and *Who's Who in America*, covering the period of the past 12 years, during which he has figured before the public.

Mr. BRUCE. Mr. President, will the Senator yield to me?

Mr. BLEASE. Certainly.

Mr. BRUCE. May I observe to the Senator that it seems to me, in view of the doubt as to whether Hoover is an Englishman or an American, his life might well appear in a book entitled "Which is Who?"

Mr. BLEASE. Mr. President, I am going to prove in a minute that he is not an American; that is, if he himself told the truth.

In *Who's Who in America* in 1916 he gave his life story, as follows:

Hoover, Herbert Clark, engineer, * * * assistant Arkansas geological survey, 1893; United States Geological Survey Sierra Nevada Mountains, 1895; assistant manager Carlisle Mines, New Mexico, and Morning Star Mines, California, 1895; in western Australia as chief of mining staff of Bewick, Moreing & Co., and manager of Hannan's Brown Hill Mines, 1897; manager for Sons of Gwalia and E. Murchison Mines, 1898; chief engineer for the Chinese Imperial Bureau of Mines, 1899, doing extensive exploration in the interior of China; took part in the defense of Tientsin during the Boxer disturbances in 1900; representative of the bondholders in the construction of Ching Wang Tow Harbor in 1900; general manager of the Chinese Engineering & Mining Co. in 1901; partner of Bewick, Moreing & Co. Mines Operators of London from 1902 to 1908; director of Zinc Corporation (Ltd.), Oraya Exploration Co. (Ltd.), Russo-Asiatic Corporation (Ltd.), from 1908 to 1914; was chairman or director of the Burma Corporation (Ltd.), of the Santa Gertrudis Mining Co., Camp Bird (Ltd.), Irtys Corporation (Ltd.); chairman of the American Relief Commission, of London, 1915 and 1916; chairman for the relief of Belgium; trustee of Stanford University (founded by a British subject); Fellow of the Royal Geographic Society; member of the American Institute of Mining Engineers, of the Society Ingenieurs Civil de France, of the Society Belgian des Ingenieurs et des Industriels, Society of Mining and Metals, Society A. A. A. S., Hukluyt Society, etc.; his clubs are Devonshire (England), Ranelagh (England), Albemarle (England). Is a writer of articles on mining and mines for European publications. His home is Red House, Horton Street, London, England; offices, No. 1 London Wall Buildings, London E. C., England, and 71 Broadway, New York, and Mills Building, San Francisco.

In the *Who's Who in England* of 1919, Mr. Hoover sets forth that he holds degrees of doctor of law from Harvard, Princeton, Brown, Pennsylvania, Oberlin, Yale, and Alabama Universities; that he is commander of the Legion of Honor; won the French Academy Audiffert prize in 1918; gave his address at Stanford University of California and his clubs as University of New York, Pacific Union, Bohemian of San Francisco; Metropolitan, Cosmos, and Chevy Chase, of Washington, D. C.

In the English *Who's Who* of 1920 his title is set forth as "Food Administrator of the United States of America" and "member of the War Trade Council since 1917" and "director general of Allied Relief Administration at Paris after the armistice," and he takes the degree "doctor of civil law," besides many others. In the *Who's Who in America* of 1918 his address is given as United States Food Administrator, Washington, D. C. In the *Who's Who in America* of 1920 he has become a member of the Lawyers' Club and the Bankers' Club of New York and gives his address as 120 Broadway, New York.

Mr. President, the Chinese people had lived their own lives at home and defended themselves against foreign pirates for more than 6,000 years; their government reached the state 2,500 years ago where they had all the laws they needed, and their people had but little use for a government to rule over them. They built their first great canal system and lowered the beds of their two great rivers after their 13 years' flood 3,750 years before

Christ, and completed their great wall to keep the barbarians out of their country 2,500 years ago. These land and mine and water-front and railroad-grant pirates from the British Empire came upon them unaware during the war between the United States and Spain in 1898 and 1899 and took from them their substance when they were not prepared to defend themselves from the seas, and the Boxer rebellion resulted. Herbert Hoover had renounced his citizenship from the United States and had become a subject of this most imperialistic monarchy that ever existed on the earth and was one of their ready plunderers of the defenseless east, China and Siberia, and it was when this Boxer rebellion was engendered that he first wrapped the flag of the United States about his shoulders and asked protection of the United States Army and Navy in his operations in his new-found kingdom.

Mr. President, here are four reasons why Herbert Hoover should never be President of the United States:

First. When his name was up for confirmation as Secretary of Commerce a noted Senator said:

This man, Herbert C. Hoover, has spent all his grown-up life in the employ of British corporations in England and Australia. He never voted in the United States 'til 1916, for Woodrow Wilson.

The last statement is quoted verbatim.

Second. When Americans—in United States—were paying 10 cents a pound loaf for green, soggy "substitute" bread, England, France, and Belgium were paying 3½ and 4 cents a pound loaf for all-flour, American wheat bread, furnished them by Herbert C. Hoover, the American.

Third. He never accounted for \$11,000,000 of the \$33,000,000 placed in his hands by the "American Charities (Inc.)" for the starving children of central Europe. Repeated efforts and interrogations by New York publications failed to elicit any response from Herbert C. Hoover or his subordinates in office.

Fourth. When newly appearing in American affairs he, with friends, speculated in American wheat up to \$50,000,000 at a time, in the Far East. No denial was ever made.

These facts were all thrashed out by metropolitan dailies at the time of occurrence.

All Americans who could read had this information plainly before their eyes.

Mr. President, here [exhibiting] is a picture of Mr. Hoover. Below it are the pictures of two negroes. They are his candidates for delegates in the Ohio primary. I shall not read the statements around the pictures, but ask that they may be placed in the RECORD as a part of my remarks. I wish, however, to read from the last one, over the pictures of these two negroes:

They know that a vote for Hoover delegates is a vote for Hoover, the antisegregationist.

And the negroes should stand by him.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Gazette, Cleveland, Ohio, Saturday, April 21, 1928]

VOTE FOR HOOVER

Long residence in countries abroad, even extensive travel through foreign lands, broadens and materially improves nearly all who have such experience. Herbert L. Hoover spent many years abroad in various countries, Australia and the Orient being among the number, with the result made so clear in recent months by favorable action of great interest to Afro-Americans.

When Principal Robert N. Morton, of Tuskegee, Ala., N. & I. Institute, and the flood sufferers' committee, of which he is chairman, wired United States Secretary of Commerce Herbert L. Hoover, asking the removal of a prejudiced New York woman, an official of the flood sufferers' relief committee in the South because of her heart-rending discrimination against Afro-American flood sufferers, she was promptly relieved of her duties and separated from the service.

When the segregation of Afro-American clerks in the United States Department of Commerce, over which Secretary Hoover presides, was called to his attention a few weeks ago by Neval H. Thomas he promised an investigation, and when the facts were presented to him and he learned the truth of Professor Thomas's segregation charges, Secretary Hoover immediately stamped it out! He was too big and broad-minded a man to tolerate such an outrage upon American citizens of color or anyone else in a United States department presided over by him.

These are the things that best show the man, from the Afro-American standpoint, and ought to have a marked influence upon their determination as to whom to vote for on April 24, 1928. The utmost confidence can be placed in a man whose mind has been so broadened by travel and residence abroad as well as at home that he is able to rise above the contemptible prejudice of the day to secure justice even to employees of color in his department of the Government service at Washington, D. C. Vote for Herbert L. Hoover next Tuesday.

OUR CANDIDATES ON HOOVER TICKET IN OHIO PRIMARY

A graduate of Howard University, Washington, D. C., Capt. Leroy H. Godman, of Columbus, was a staff officer of the Three hundred and sixty-sixth Infantry, Ninety-second Division, during the war and served overseas as judge advocate for his unit. He is a member of the Ohio State Bar Association, American Legion, and numerous other civic and fraternal organizations.

Dr. Leroy N. Bundy, of Cleveland, representing our people of northern Ohio, is a candidate for delegate from the twenty-first district. He is a leader among our people of Cleveland and adds decided strength to the Hoover cause in this industrial center. His Cleveland indorsements include six Republican clubs and the county Republican organization. There is no doubt of his triumphant election Tuesday.

Ohio Afro-Americans know that in supporting the Hoover delegates they are voting for the best interests of themselves and the whole Nation. They know that a vote for Hoover delegates is a vote for Hoover, the antisegregationist.—(Adv.)

Mr. BLEASE. I also ask leave to print at this point in my remarks an article published in the Chicago Daily News of April 21, 1928, entitled "From the negro's point of view," and will only read the last few words of the article, which states:

True enough, the Commerce Department has seen segregation for the last four years, but that was before Mr. Hoover had become a serious contender for the Presidency.

That statement is from one of his negro friends' newspaper. There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Chicago Daily News, Saturday, April 21, 1928]

FROM THE NEGRO'S POINT OF VIEW

By Chandler Owen—Hoover, BLEASE, and the negro

A little while ago Neval H. Thomas, president of the Washington (D. C.) branch of the National Association for the Advancement of Colored People, protested to Secretary of Commerce Hoover against racial segregation in his department. Quite promptly thereafter Mr. Hoover abolished such discrimination. In doing so, however, the Secretary of Commerce incurred the hostility and castigation of Senator COLE BLEASE, of South Carolina, whose annual bills for a Federal anti-intermarriage law and a Jim Crow car for the District of Columbia have already been introduced and are now resting peacefully with the Judiciary Committee, to which they were tactfully referred.

Senator BLEASE declares Hoover's action in abolishing racial segregation in the Department of Commerce has spelled a death blow to all of his (Hoover's) hopes for breaking the "solid South."

Of course, Mr. Hoover has already figured the whole problem out, and he understands that a Republican candidate for the Presidency has much more to gain from a "solid Republican northern negro vote" than from a "solid Democratic southern white vote," when the latter is invariably cast against the G. O. P. candidate. So there is neither principle nor good politics to recommend Mr. BLEASE's course to Mr. Hoover.

True enough, the Commerce Department has seen segregation for the last four years, but that was before Mr. Hoover had become a serious contender for the Presidency.

Mr. BLEASE. I have another article entitled "Thomas to Mills," with a picture of a negro named Thomas, who wrote the letter—he is supposed to be the head of some organization here—to his devoted friend Ogden L. Mills, which I ask may be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). In the absence of objection, it will be so ordered.

The article is as follows:

[From the Gazette, Cleveland, Ohio, Saturday, April 21, 1928]

THOMAS TO MILLS—NEVAL STILL AFTER UNDERSECRETARY MILLS (A NEW YORKER) OF THE TREASURY DEPARTMENT—COOLIDGE ADMINISTRATION SEGREGATION

WASHINGTON, D. C.—A definite statement by Ogden L. Mills, Undersecretary of the Treasury, on the segregation of our employees in the Treasury Department is requested in a letter sent, April 13, by Prof. Neval H. Thomas, president of the local N. A. A. C. P. branch; Robert J. Nelson, of the Elks; and Thomas A. Johnson, of the National Equal Rights League. The letter to Mr. Mills is as follows:

"We have the honor of asking you for the results of your investigations in your vast department and your future policy dealing with your colored employees. It has been three months since we first called on you at the Treasury Department. Since then we have had two lengthy interviews with you and paid five additional visits to see you without success. In the meantime we have had no word from you as to your disposition of our case. We, therefore, take this means of contact. You will remember that we complained about segregation first, and informed you of the immense injury the undemocratic practice is doing our people, the Government service, and the Constitution itself. We pointed out the 'Jim Crow' section of the office of the Register of the Treasury where

pernicious discrimination keeps superior negro clerks in lower salary grades, in inferior work, and under constant humiliation of being huddled together on the basis of color. Then we told you of the office of the United States Treasurer where there are the Hon. John T. Howe, ex-member of the North Carolina Legislature, and five other competent negro clerks of superior intelligence and long service, set off from their white coworkers and retained in low salary grade and on the simple mechanical work of 'stating accounts.' White men whom they have taught have passed over them to higher placement and even to the position of chiefs of departments. You spoke to us of the immensity of your department with its 67,000 employees. We held that the merit system can not prevail there when, out of so vast an army being paid by all of the people, there is not one negro in a directive position. We know all too well of the superiority of the negro clerk and that of all of the other colored employees, for white men of their caliber and attainment secure far more lucrative activities in the economic, civil, and political life of the Nation. Hence, if the merit system prevailed in the Treasury Department, or in any other of the many other bureaus of the Nation and the municipality here at the Capital, there would be thousands more negro employees, and many of them holding important executive positions. In the Bureau of Engraving and Printing, the Government Printing Office, and in others of the thirty-odd huge establishments that come under your jurisdiction the same complaints can be justly made. We, therefore, respectfully ask that you make us reply—belated, if you please—to our complaints."

Mr. BLEASE. In the Afro-American of Baltimore, Md., there is another article on Mr. Hoover and his segregation, which I ask to have printed in the RECORD. I also have a letter which I received a few days ago, written by a very distinguished citizen of our country, giving some past history, which I ask to be inserted in my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Afro-American, Baltimore, Md.]

WORK ABOLISHES JIM CROW IN INTERIOR DEPARTMENT—PARTITIONS SEPARATING RACES IN LAND OFFICE ARE TAKEN DOWN—BLEASE RILED, YELLS IT'S "SOCIAL EQUALITY"—N. A. A. C. P. EXPECTS SEGREGATION IN TREASURY TO END NEXT.

WASHINGTON, D. C.—By order of Secretary Hubert Work, segregation of Interior Department workers because of race ended April 13.

Last week Secretary Herbert Hoover abolished Jim Crow in the Department of Commerce, and Secretary Andrew Mellon, of the Treasury, is expected to take similar steps.

Conditions in the Federal departments will now go back to what existed before the first administration of President Wilson. Democratic subordinates of Mr. Wilson were the first to issue segregation edicts, which separated workers of both races who had been working in the same room, and in many cases, at adjoining desks for 25 years.

WORK'S ORDER

In accordance with the order of Secretary Work Miss Gretta D. McRae, a colored stenographer in a "Jim Crow" division of the Land Office, was transferred to the stenographic division. She was later transferred to the survey division, and is doing stenographic work for any employee of that division who may need the services of a stenographer.

Partitions which have separated white and colored employees in the Land Office are being removed, and white and colored clerks are being put to work together in the same rooms.

BLEASE PEEVED

In the Senate last Monday Senator COLE BLEASE (Democrat, South Carolina) accused Secretary Hoover and his campaign managers, Doctor Work and Ogden L. Mills, Assistant Secretary of the Treasury, with seeking to gain the negro vote in the doubtful States by ending this segregation.

The Secretary of Commerce, BLEASE said, is using his influence also with his campaign managers and assistants in other departments. For eight years, he stated, the conditions under which they were working were not disturbed. After Mr. Hoover became a candidate for President he abolished segregation in the Census Bureau.

BLEASE read into the CONGRESSIONAL RECORD a letter from an unnamed white girl clerk and a newspaper article in which the Land Office was referred to as a "hell hole" at best. The white chief of the mineral division, for 35 years termed "Bully McGhee," is ignorant, uncouth, dirty, sneaking, and listening, and knowing nothing of the work.

SOCIAL EQUALITY

The new order which makes all girls use the same lavatory was referred to by BLEASE as an attempt at social equality.

Hon. COLEMAN BLEASE, M. C.,

United States Senator from South Carolina,

The Capitol, Washington, D. C.

DEAR SENATOR BLEASE: I note with interest the remark by yourself as cited in the CONGRESSIONAL RECORD of April 18 (6696), respecting

the circulation of the report that a candidate for the Republican nomination at Chicago had negro blood, in order to win support for him from the negro delegates from the South. I was present as a spectator at the time of that nomination, and I was told this by the Louisiana negro delegates, of whom seven were seated on the sidewalk outside the auditorium and talking cheerfully about the matter.

The same report was circulated about this same man when he first ran for the State senate; it was circulated about him when he ran for lieutenant governor; it was circulated about him when in 1910 he ran for governor and was defeated by Judson Harmon; it was circulated about him when he ran for Senator against Timothy Hogan, a better man and a first-class lawyer, in 1914 and won.

In 1920 I was a member of the city council of a city of this my native State and that of my forefathers for several generations, and chairman of the police committee, in which capacity it was represented to me on a Sunday in July that a negro preacher from outside the city was in the pulpit of a negro church and had asked every negro and negress of the city to go to the polls and vote for this man because he had negro blood. I was told by indignant citizens to stop this outrage before it should happen again.

It did happen again and it happened that very Sunday evening and again two Sundays later. The police statutes of the city, county, and State are inadequate to meet any such situation. The Republicans were very urgent that I should allow this preaching to go on, because they believed that it would improve the chances of election for this candidate.

Ohio has many colored folks who have crossed the line and "come white." The notion that Democrats circulated this tale is false at least in Ohio. It was of Republican origin, in order to get out the negro votes, as it certainly did.

The man himself was frequently appealed to in order that the tale might be stopped, but he always took the ground that to deny its truth would cost him the negro vote and support. Among white people his white friends always asserted that he was an all-white man, of course. It was a great political play in a State with a great negro vote. These same white friends talked differently whenever they thought that the negroes would hear of what they were saying. These same white men are now telling their negro supporters that the man was a very fine President and that all the stories about corruption in his administration are Democratic lies. And because the negroes have no way and no time to find the facts, they believe that a man of their own race has made a splendid record as President.

White is black, black is white to these Republican managers.

Yours very respectfully,

(Dated April 21, 1928.)

Mr. BLEASE. Mr. President, I made a charge here on the floor the other day that "Mr. Hoover had made this change in the department only for the purpose of obtaining the negro vote." There are negro newspapers and negro correspondents stating that to be the fact, and there is an appeal to the colored people of Ohio to vote for Mr. Hoover because he has issued this order. I think the country is entitled to have that information, and I think it is also entitled to the information for which I asked the Senator from Kentucky [Mr. SACKETT] the other day. See CONGRESSIONAL RECORD, April 20, 1928, page 6862.

THE POLITICAL SITUATION

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by the senior Senator from Iowa [Mr. STECK] before the Democratic State convention at Des Moines, Iowa, on April 20.

The VICE PRESIDENT. Without objection, it is so ordered. Senator STECK's speech is as follows:

In a discussion of political conditions affecting our Government and our people so many angles present themselves, so many questions are of importance, that anything approaching a full discussion of them all or even a major part would be impossible.

It is my intention to go over briefly the more important issues and to but mention others which are almost of equal importance.

From 1912 until 1918, only six years, the Democratic Party was in absolute control of the executive and legislative branches of our Government. In these few years we made a record of accomplishment which is without parallel in the history of this or any other Government. With a loyal majority in both Houses of Congress, under the matchless leadership of Woodrow Wilson, the Democratic Party wrote into our law:

Federal reserve banking act, wresting control of money power from Wall Street.

Farm loan act, enabling farmers to negotiate loans at low rates of interest.

Smith-Lever Agricultural Extension Act, extending aid to farming industry.

Federal Trade Commission act, for prevention of unfair trade practices.

Clayton Antitrust Act, in which it was declared that labor is not a commodity.

Underwood-Simmons Tariff Act, under which trade reached unparalleled dimensions.

Extension of parcel post and postal savings bank system.

Tariff Commission act.

Income tax amendment and act, levying taxes according to ability to pay.

Constitutional amendment for election of United States Senators by popular vote.

Corrupt practices act, aimed at ending practice of corrupting elections.

Bureau of Farm Markets and Bureau of Farm Management act.

Creation of Department of Labor, first full recognition of labor.

Creation of Federal Employment Bureau.

Workmen's compensation act.

Eight-hour law applicable to railroad and Federal employees.

Establishment of Woman's Bureau.

Act exempting labor and farmer organizations from inhibitions of antitrust law.

Vocational training act.

War-risk insurance act, and other measures for relief and rehabilitation of World War veterans.

During the years while this legislative record was being written, America became involved in and prosecuted to victory the greatest war in the history of the world. It raised and equipped fighting forces numbering 5,000,000 men and transported 2,000,000 of them across submarine-infested seas to the fields of France and Belgium without the loss of a single life. This was done at enormous cost, of course, but let it never be forgotten that, despite the ghoulish rakings of numerous investigating committees, appointed by the hostile majority that had gained control of Congress, in all that stupendous record they utterly failed to find evidence of crookedness, corruption, or graft upon which a Republican Department of Justice could obtain one single indictment of an official intrusted with power by Woodrow Wilson. This is a record that will be reviewed with pride so long as our Nation lives.

The Republican Party has had entire control of the legislative branches of our Government since 1918 and control of both the legislative and Executive since 1920. The mere statement of these facts should be sufficient to insure Democratic victory in this year of 1928. It should seem unnecessary to remind the voters of the country that all the ills and evils from which we have suffered have come during the past 10 years, between 1918 and 1928.

In 1919 when the Republican Party succeeded to the control of Congress the country was at peace and enjoying unprecedented prosperity. What is the record since that date?

The deflation and resultant ruin of our farmers.

A new record of bank failures, 4,300 since 1920.

A new record of business failures and bankruptcies.

A boom in the business and profits of certain great industries, but the ruin or near ruin of the great mass of smaller ones.

Five million men out of work in 1922.

Four million men out of work in 1928.

The farmer's dollar worth but 60 cents.

Corruption in high places. Ferreted out by Democrats. Complacent silence or acquiescence by Republican officials.

There was the disarmament conference which Republicans hailed as the greatest step toward peace of all history, but now it develops that we lost \$300,000,000 worth of the finest battleships that ever floated under any flag, while the British tore up some blueprints and pictures. They matched their wits with the foreign diplomats and it cost the taxpayers \$300,000,000.

Immediately the Republican Party gained control of Congress in 1919 they proceeded in every conceivable way to annoy President Wilson in his efforts to arrive at fair and honorable terms of peace between the United States and the Central Powers.

The proudest boast of this administration is what they call their economy program, but the fact is that, notwithstanding the constant reduction of the public debt and resultant lessening of interest charges, the cost of Coolidge economy government has increased during each year of his administration, while the taxpayer has continued to be burdened with war-time taxes. In spite of the annual guesses of the "greatest Secretary of the Treasury since Alexander Hamilton," enormous surpluses have piled up each year. As a result of these annual surpluses either taxes should have been reduced or, by applying the surplus to a reduction of the public debt, our annual costs of government, including interest charges, should show a steady reduction. Neither of these things have happened. The administration has not permitted a real reduction of taxes, and Coolidge economy has given us a constant increase in cost of government.

CORRUPTION

Throughout the existence of our Government no holder of high office under a Democratic administration has been successfully accused of graft or corruption, while it has been charged that no Republican administration since Lincoln has escaped the proven indictment of some of its officials high in Government service.

One could talk for hours and not tell all the story of corruption in high places since the Republicans came into power in 1919.

There is the story of the sale of the country's resources. A story reeking with filth and smeared with oil.

There is the story of the sale of patronage and privilege to the highest bidder.

There is the story of the Indiana elder who took tainted—some say stolen—bonds to pay Republican campaign deficits, and peddled them around the country among the faithful.

There was the looting of the Veterans' Bureau, and the granting of special favors by the Alien Property Custodian for a consideration.

It is a sordid story of debauchery, of corruption, of graft, brought to light through Democratic effort in spite of silence and even opposition in high places. Just to call the roll tells the story:

Albert B. Fall, Secretary of Interior, trader in the country's resources. Resigned.

Harry K. Daugherty, Attorney General. Permitted to resign.

Will H. Hays, Postmaster General. Receiver of bonds. Resigned.

Edwin Denby, Secretary of the Navy. Just dumb. Resigned.

Charles R. Forbes, Director of Veterans' Bureau. Convicted felon.

Thomas W. Miller, Alien Property Custodian. Convicted by a jury and refused retrial by our highest court.

Jesse B. Smith, friend of Daugherty. Suicide.

The record is blacker than the corruptions of Grant's administration or the scandals of and following the Spanish War. We do not charge the rank and file of the Republican Party with being dishonest or unpatriotic. We know such a charge would be untrue. That party has, however, at times been unfortunate in its choice of leaders.

PROSPERITY

According to Republican propaganda the country is enormously prosperous. Figures are published to prove this claim, figures furnished by departments of the Government. Endless statistics are quoted conclusively showing that the Republican Party has brought the country to the highest state of prosperity it has ever known. Of course, we could not expect the Republicans to broadcast a tale of business depression, agricultural poverty, unprecedented bank failures, and general unemployment, especially just before an election, but if the different departments of the Government give out any information it should be in accordance with the facts. Government departments should not be used to spread misleading and untrue information for purely partisan political purposes.

Republican officials say that industry is prosperous. We will admit that the larger ones, the great combinations, are prospering as never before, but they do not publish the fact that the smaller companies are at the lowest peak in many years or that the record shows more bankruptcies than ever in our history.

They say that agriculture is on the road to recovery, and if just let alone will ultimately recover. If this be true, if agriculture does ever reach the plane of prosperity it held under Democratic rule, it will be by the labor and thrift of the farmer himself and not because of any help from the present administration.

The record of bank failures surely does not indicate prosperity. Four thousand three hundred of them in seven years of Republican prosperity as compared with 578 failures during eight years of Democratic control. It is interesting to note that in the industrial States there have been less bank failures since 1920 than for a 10-year period prior to 1920. In the New England and Eastern States from 1909 to 1920 there were 128 bank failures, while from 1920 to June 30, 1927, there were 78 failures.

In the agricultural States an entirely different situation is shown.

In the 13 Southern States from 1909 to 1920 there were 220 bank failures, while in the period from 1920 to 1927 there were 1,116 such failures.

In the Middle Western States there were 184 bank failures from 1909 to 1920, and 1,327 from 1920 to 1927. Iowa is in this group and had but 13 bank failures from 1909 to 1920 and 453 failures during the past seven years. The year by year record of bank failures shows an increase each year from 1921 reaching over 900 during 1927. It has been often said that the condition of our banks reflects the state of our prosperity. If this be true, the Republican boast of prosperity is without basis in fact.

The Republicans claim there are only about 2,000,000 men unnecessarily out of work. This means that there are about 2,000,000 men who want work and can not get it. Other agencies say the true figure is around 4,000,000, and this estimate is concurred in by labor bodies and reports from State labor commissions.

Accepting the Republicans' figure of 2,000,000, surely it can not be successfully claimed that we are enjoying general prosperity when

approximately 10 per cent of our wage earners are walking the streets hunting work, when this last winter we saw bread lines in all our larger cities, the charitable institutions swamped with men hungry and cold, and the jails crowded, not with criminals but with honest men who had no other place to sleep. It does seem that we have had enough of Republican prosperity to do us for many years.

AGRICULTURE

In 1919, when the Republicans took over control of both Houses of Congress, agriculture was enjoying the greatest prosperity. For the only time in history farming was financially on a par with other industries.

The Republicans' first legislative act was to pass an emergency tariff law, soon followed by the Fordney-McCumber act, which under the guise of a protective tariff gave us the present prohibitory tariff. Then in 1920 the Republican platform declared for "courageous and intelligent deflation," and immediately after the Harding administration came into power in 1920 the Republicans proceeded to carry out this plank of their platform. This act was hailed by Republicans as a guaranty of agricultural prosperity. The effect was to plunge agriculture into the darkest days it has ever known. Their action may have been "courageous," but certainly no one will admit its "intelligence."

Another plank in the Republican platform of 1920 said that—

"The Republican Party pledges itself to the development and enactment of measures which will place the agricultural interest of America on a basis of economic equality with other industries to assure its prosperity and success."

We have seen that they faithfully carried out the deflation plank of their platform, but what have they done in eight years to carry out in any degree their promise of economic equality for agriculture? The fact is that nothing has been done and it may properly be charged that no good-faith effort has been made to carry out their platform pledge to the farmer. They have proven either that the Republican Party has not the ability to protect the farmers or they have demonstrated that that party is indifferent to the farmers' interests.

The McNary-Haugen bill, devised to relieve the farmer, was defeated in 1926 when the Republican Party had entire control of Congress. The same bill was passed in 1927, but was passed by Democratic votes. The record shows:

That in the House 58 per cent of the Democrats voting voted for this measure, while of the Republicans voting only 51 per cent voted affirmatively. In the Senate, of the Democratic Senators present and voting, 56 per cent voted for the bill as compared with 52 per cent of the Republicans.

Then a Republican President vetoed the measure, presenting a long message setting forth his reasons, in the preparation of which he was assisted by those great friends of the farmer—Mellon, Hoover, Sargent, and Jardine. The veto message was a patchwork of ideas glaring with inconsistencies and false logic. It showed an inability to understand or appreciate the farmers' problems and a lack of sympathy with the farmers' condition. Last week the Senate again passed the McNary-Haugen bill. On this vote, of the Democrats voting 28 voted "aye" and 9 "no"; of the Republicans voting but 25 voted "aye" and 14 voted "no," so again the Democrats furnished the votes to pass this bill demanded by our farmers, which, it is rumored, the President will again refuse to sign.

The Republican Party has long posed as the friend of the farmer. For a generation and longer the farmers of the great Middle West have been the backbone of that party and have kept it in power. Our farmers have been faithful to the Republican Party and have accepted its pledges of friendship. But they now see that these pledges have been mere bait for votes; that while the farmers furnished the votes all Republican favors have gone to other industries. Our farmers are now demanding legislative aid, including a revision of the tariff, and threaten to bolt the Republican Party. I am wondering if they will be able to abandon the habits of a lifetime and carry out their threat. I predict that the Republican platform of 1928 will repeat the age-old pledges to the farmer and I fear that the farmer will again be persuaded to believe these pledges sincere. Let us hope that they will not forget the years of broken Republican promises and unfulfilled Republican pledges, and will remember that under Democratic administration every pledge was redeemed, every promise fulfilled.

For years the farmers of the Middle West have been told by the Republican Party that the Republican tariff acts have brought them good times by protecting their products from foreign competition. The Republicans have always placed high duties on farm products, but anyone who cares to study the subject soon discovers that no matter how high the duties may be put they do not affect the price the farmer receives, even to the slightest degree; there may be some exceptions, but so far as the Iowa farmer is concerned tariff duties add nothing to the price of his products.

On the other hand, the tariff compels the farmer to pay higher prices for almost everything he buys.

Even Republican defenders of high tariff have been compelled to admit that the Republican tariff has not done for the farmer what that party has so long claimed.

Senator WATSON of Indiana, one of the old guard of the Republican Party said not long ago in the Senate, "We have discovered that the tariff on agriculture has not been effective." The fact is that the high duties imposed on agricultural products were enacted by the Republican Congress purely to make a big showing to the farmer, to make him believe that he would get all the excess duty in one form or another, and to make it easy for him to swallow the high duties on manufactured goods. Conditions which have existed following the enactment of the Fordney-McCumber Tariff Act must prove to anyone of even slight intelligence, who is sufficiently interested to enter upon even the slightest investigation, that this Republican prohibitory tariff act has accomplished exactly what we Democrats prophesied at the time of its passage; that is, it has worked to the benefit of the large manufacturing interests and against the interests of agriculture and the smaller industrialists. Yet the Republicans have refused to even consider a revision of existing rates.

The only remedy they have suggested is to raise the present tariff schedules. They display no originality. In nine years the Republicans have not passed a single piece of progressive legislation. In nine years they have not even suggested one piece of constructive legislation. Their inability to create legislation to remedy existing conditions proves that President Wilson was right when he said that the Republican Party had not had an original idea in the last 50 years. During this session of Congress, Senator McMASTER, Progressive Republican, introduced a resolution asking for the revision downward of existing excessive tariff schedules for the purpose of establishing a closer parity between agriculture and industry. It passed the Senate by a vote of 54 to 34 and was defeated in the House. In the House every Member from Iowa voted against the resolution, thus helping defeat a move to increase the duties on agricultural products and at the same time to decrease the duties on the products our farmers must buy.

The Democrats are not and never have been free traders. We believe in a tariff which will protect our own industries, but which at the same time will be fair to the consumer. We do not believe that under the cloak of a "protective tariff" certain industries should be preferred to the detriment of others. During the operation of the Democratic tariff act all our people, all industry was prosperous, while under the present Republican tariff only the great industries have prospered, and other industries, including agriculture, have been suffering a general depression. The mere statement that from 1912 to 1919 the country was operating under a Democratic tariff and that from 1919 to 1928 it has been under a Republican tariff act should be sufficient for anyone who has been familiar with conditions during these periods.

LAW ENFORCEMENT AND PROHIBITION

Whatever opinion any individual may have on the prohibition question, all who are honest must agree that so long as the prohibitory amendment is a part of our fundamental law, and so long as the Volstead Act remains on our statute books, they must, as a matter of common decency, be enforced. We all know of the disgraceful conditions existing due to Republican failure to enforce these laws. Conditions could hardly be worse than they have been with the prohibition enforcement under the direction of Mr. Mellon, the Republican Secretary of the Treasury. I see no reason why the Democratic Party should permit itself to be divided on the liquor question. As Democrats, we believe that the Democratic Party is better qualified and fitted to solve this annoying question than the Republican Party, and, believing in the ability and honesty of purpose of the Democratic Party, every Democrat, no matter what his convictions may be on this question, should unite in putting his party in power to give that party a chance to solve this as it has solved so many other important issues.

This same logic applies to all other questions on which any of us may have settled convictions. We may and do differ among ourselves as to how these various matters should be settled, but we are all Democrats. We agree on the fundamentals which make us Democrats. We know that the Democratic Party is the best political agency we have at our disposal to settle the many important questions confronting the country. We have seen that the Republicans either can not or will not meet these issues, so all Democrats must, temporarily at least, put aside personal ideas, forget personal prejudices, and in a spirit of tolerance, as Americans and Democrats, submit to the judgment of the majority of our party expressed through this and our national convention. Acting together in such a spirit we can and will win; failing to do so we invite certain defeat.

The people have slowly, but I believe surely, come to realize that they can not expect anything from a Republican administration. There is a general feeling of unrest and dissatisfaction with existing conditions such as has always occurred when the people have retired the party in power. This feeling will grow in intensity from now until the election in November, notwithstanding the frantic efforts of the Republican Party. It will not be stopped by fair promises, by false

propaganda, or by the expenditure of huge slush funds. The American people once aroused will sweep aside all obstacles which can be put in their way and at the polls in November retire from power the party which has demonstrated its unfitness to serve the Nation.

EDWIN MARKHAM

Mr. COPELAND, Mr. President, this is the birthday of Shakespeare, universally recognized as the world's greatest poet; and by a most interesting coincidence, it is also the birthday of one of the world's greatest living poets, a constituent of mine—Edwin Markham.

A few weeks ago the Senate paused long enough to pay deserved homage to the world's best-loved poet—Longfellow. It will honor itself to-day by similar recognition of two whose achievements in the realm of letters will live long after most others are forgotten; and I suggest that two of Markham's wonderful poems, *The Man With the Hoe* and *Lincoln, the Man of the People*, be placed in the RECORD.

There being no objection, the poems were ordered to be printed in the RECORD, as follows:

This revised version was chosen out of 250 Lincoln poems by the committee headed by Chief Justice Taft, chosen to be read at the dedication of the great Lincoln Memorial erected by the Government in Washington, D. C. This was in 1922. There were 100,000 listeners on the ground and 2,000,000 over the radio. President Harding delivered the address.

LINCOLN THE MAN OF THE PEOPLE

When the Norn mother saw the whirlwind hour
Greatening and darkening as it hurried on,
She left the heaven of heroes and came down
To make a man to meet the mortal need.
She took the tried clay of the common road—
Clay warm yet with the genial heat of earth,
Dashed through it all a strain of prophecy;
Tempered the heap with thrill of human tears;
Then mixt a laughter with the serious stuff.
Into the shape she breathed a flame to light
That tender, tragic, ever-changing face;
And laid on him a sense of the mystic powers,
Moving—all hush!—behind the mortal veil.
Here was a man to hold against the world,
A man to match the mountains and the sea.
The color of the ground was in him, the red earth;
The smack and tang of elemental things;
The rectitude and patience of the cliff;
The good will of the rain that loves all leaves;
The friendly welcome of the wayside well;
The courage of the bird that dares the sea;
The gladness of the wind that shakes the corn;
The pity of the snow that hides all scars;
The secrecy of streams that make their way
Under the mountain to the rifted rock;
The tolerance and equity of light
That gives as freely to the shrinking flower
As to the great oak flaring to the wind—
To the grave's low hill as to the Matterhorn
That shoulders out the sky. Sprung from the West,
He drank the valorous youth of a new world.
The strength of virgin forests braced his mind,
The hush of spacious prairies stilled his soul.
His words were oaks in acorns; and his thoughts
Were roots that firmly gript the granite truth.
Up from log cabin to the Capitol,
One fire was on his spirit, one resolve—
To send the keen ax to the root of wrong,
Clearing a free way for the feet of God,
The eyes of conscience testing every stroke,
To make his deed the measure of a man.
He built the rail pile as he built the State,
Pouring his splendid strength through every blow:
The grip that swung the ax in Illinois
Was on the pen that set a people free.

So came the captain with the mighty heart,
The man of great compassion and great peace;
And when the judgment thunders split the house,
Wrenching the rafters from their ancient rest,
He held the ridgepole up, and split again
The rafters of the home. He held his place—
Held the long purpose like a growing tree—
Held on through blame and faltered not at praise.
And when he fell in whirlwind, he went down
As when a lordly cedar, green with boughs,
Goes down with a great shout upon the hills,
And leaves a lonesome place against the sky.

THE MAN WITH THE HOE

(Written after seeing Millet's world-famous painting of a brutalized toiler)

"God made man in his own image
In the image of God made He him." (Genesis.)

Bowed by the weight of centuries he leans
Upon his hoe and gazes on the ground,
The emptiness of ages in his face,
And on his back the burden of the world.
Who made him dead to rapture and despair,
A thing that grieves not and that never hopes,
Stolid and stunned, a brother to the ox?
Who loosened and let down this brutal jaw?
Whose was the hand that slanted back this brow?
Whose breath blew out the light within this brain?

Is this the thing the Lord God made and gave
To have dominion over sea and land;
To trace the stars and search the heavens for power;
To feel the passion of eternity?
Is this the dream He dreamed who shaped the suns
And marked their ways upon the ancient deep?
Down all the caverns of hell to their last gulf
There is no shape more terrible than this—
More tongued with censure of the world's blind greed—
More filled with signs and portents for the soul—
More packed with danger to the universe.

What gulfs between him and the seraphim!
Slave of the wheel of labor, what to him
Are Plato and the swing of Pleiades?
What the long reaches of the peaks of song,
The rift of dawn, the reddening of the rose?
Thru this dread shape the suffering ages look;
Time's tragedy is in that aching stoop;
Thru this dread shape humanity betrayed,
Plundered, profaned, and disinherited,
Cries protest to the judges of the world,
A protest that is also prophecy.

O masters, lords, and rulers in all lands,
Is this the handiwork you give to God,
This monstrous thing distorted and soul-quenched?
How will you ever straighten up this shape;
Touch it again with immortality;
Give back the upward looking and the light;
Rebuild in it the music and the dream;
Make right the immemorial infamies,
Perfidious wrongs, immedicable woes?

O masters, lords, and rulers in all lands,
How will the future reckon with this man?
How answer his brute question in that hour
When whirlwinds of rebellion shake all shores?
How will it be with kingdoms and with kings—
With those who shaped him to the thing he is—
When this dumb terror shall rise to judge the world,
After the silence of the centuries?

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hattigan, one of its clerks, announced that the House had passed the bill (S. 1368) to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had severally passed, without amendment, the following bills of the Senate:

- S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin;
- S. 463. An act for the relief of David J. Williams;
- S. 484. An act for the relief of Joe W. Williams;
- S. 802. An act for the relief of Frank Hanley;
- S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy;
- S. 1428. An act for the relief of R. Bluestein;
- S. 1848. An act for the relief of Frank Dixon;
- S. 2008. An act for the relief of the parents of Wyman Henry Beckstead;
- S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy;
- S. 2926. An act for the relief of the Old Dominion Land Co.;
- S. 3366. An act to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States;

- S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*; and
- S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.).

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

- S. 1736. An act for the relief of Charles Caudwell;
- S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department and for the relief of certain disbursing officers for payments made thereon;
- S. 1758. An act for the relief of Fred A. Knauf;
- S. 1771. An act for the relief of Peter S. Kelly;
- H. R. 8835. An act to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.;
- H. R. 10437. An act granting double pension in all cases to widows and dependents when an officer or enlisted man of the Navy dies from an injury in line of duty as the result of a submarine accident;
- H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; and
- H. R. 12441. An act to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, the pending question being on the amendment of Mr. BLAINE.

Mr. HEFLIN. Mr. President, I have been much interested in the very eloquent speech of the able Senator from Virginia [Mr. SWANSON]. He and I are usually in agreement on matters pending here. I am sorry we can not agree to-day. I do not think that it requires any gift of prophecy for a Senator to be able to state what he thinks about the advisability of bringing our armed forces from Nicaragua and what time, if at any time, he thinks they should be brought out. We do not have to be on Mount Sinai, as the Senator has intimated, in order to be able to tell our own views as to when we think the troops ought to come out of Nicaragua.

The Senator from Virginia concedes that the marines have no business in Nicaragua and every Senator here ought to take that position. I think the Senator from Idaho [Mr. BORAH] takes that position, and some other Senators who are willing to keep our armed forces in Nicaragua—

Mr. McKELLAR. Those Senators go further than that, if the Senator from Alabama will permit me, and contend that the marines ought never to have been sent down there.

Mr. HEFLIN. The Senator from Tennessee is right; those Senators admit that the troops should never have been sent there in the first place. Then, having been sent there wrongfully, their presence there not being justified by any rule of right or law of justice, how can any Senator in all good conscience stand in this body and defend the program to keep the marines in Nicaragua when we agree and openly declare that they ought never to have gone there, that the mission they are on did not justify us in sending them there in the first place? How can we, who have sworn to protect and preserve this Government in its integrity, get ourselves worked up to the point where we are willing to shut our eyes and blindly plant ourselves behind any President, be he Democrat or Republican, who takes the American marines off on a mission that we do not and can not approve? Will the people whose Government this is be satisfied if Senators in defending their position simply say, "Oh, well, the President did this unjust and wrongful thing, but we decided that we would just swallow our own convictions, violate our oaths, and back the President in doing what we believe is an unjust and un-American thing, even if it takes the last drop of American blood and the last dollar of American money to carry out an unjustified program, one that no American can defend?"

Sensors, that is a mistaken policy. It is not the principle and policy of the American people and I am not for it. If my President goes off on a mission like that, and I am convinced that American boys are being killed to carry out such a program, it is my duty to the American boy whose life is being sacrificed, my duty to my country since I have sworn to hold it true to the purpose of its creation, to tell the President to

get out of that ugly and indefensible predicament. End the inexcusable slaughter and bring the marines home.

Why, Senators, I have been taught from my youth time that if you took a position that was untenable, a position that you were not justified in taking, a position that you admit is wrong, the most manly thing on this earth that you can do is to make amends for it, to apologize, and get back out of it in the quickest way possible. But now we are having a new doctrine in this new day of imperialism in America—that if a President ventures out upon this imperialistic road, unfurls the flag and spills American blood on foreign soil, it is the duty of every Senator and every Member of the House to stultify himself, and get right behind the President, and call more boys to the colors, and have them butchered in a slaughterhouse behind a cause that can not be defended.

Senators, your position is untenable and un-American; and let me tell you there is more trouble for some of you connected with this issue than you seem to realize. I have a newspaper article here somewhere which shows that in every place in the country where this matter has been discussed in the schools and colleges the resolutions which demanded that we get out of Nicaragua have won in the debates. Committees have been here to call on the President, petitioning him to bring our boys back home from Nicaragua. A father, a man from Missouri by the name of Ferguson, whose son was killed down in Nicaragua recently, wrote the President a letter and said that his boy had an honorable record in the World War in France; he had won the cross of honor; he had rendered signal service to his country; and now this father wrote to the President, the Commander in Chief of the Army and Navy, and said, "I feel that my boy has been murdered by the Government that he fought to uphold and save in France."

Senators, you may not be thinking just about the people at home when you come to consider this question. I must say that I can not understand the position of some Senators when they admit that this thing is wrong; they admit that we have gone off into something we had no business meddling with; they practically admit that we have invaded a foreign country, and that we are there with force of arms bullying the people of that country; you have a revolution going on by a native, Sandino, supported by natives, and they are protesting against the American program in Nicaragua, and you ask them what is in their minds, and they say, "We are fighting for our country, for our liberty, just as the people of the 13 Colonies fought in the War of the Revolution."

Senators, I confess that that appeals to me. They called us bandits then. The redcoats of Britain called the colonists bandits. We were outlaws when we were struggling for our liberty, making ready to establish here the greatest and freest government in all the world. Yes; they called us bandits; and now Sandino—brave, heroic Nicaraguan, inspired to fight by the inspiration and example that we furnished him and his soldiers—does not want our soldiers in Nicaragua helping to keep an impostor and usurper in office over them. He has stated that he is willing to die in a struggle to drive them out; that we are invading his country and remaining their against the wishes of the Nicaraguan Congress and the people there.

Who here has said without some modification of his statement that we are justified in being in there now? Practically everyone admits here that we have no business in there. Then how are we going to defend a cause that everybody condemns in one breath, and then turns right around and says, "Well, inasmuch as we are already in there and while it may be a mistake, and we think it is; let us continue to annoy and irritate the natives and murder them and kill some more of our marines while we are there. Let us continue, by force of arms, to work our will in a country where those who are able to put up a fight are out fighting in the field to get us out of their country."

What is the situation down there, Mr. President?

The Senator from South Carolina [Mr. SMITH] has put his finger on the sore spot in this whole thing. Sandino, we are told, was a party to the agreement, that they would lay down their arms, and we would settle this thing in the way Mr. Stinson, the American, wanted it settled; and then we are told that he broke his part of the compact with this Government, and now we are told on top of that that some of the so-called Conservatives are working in concert with Sandino, a Liberal, to carry out that program.

Then, if that is true, as the Senator from South Carolina points out, both sides in part have broken their agreement with us; and yet we are insisting on staying there, and we are having American boys killed down there, and nobody has ever told the Senate and the country how many have been killed

in Nicaragua. It is strange, but we can not get that information. Now, why is that?

What else on that point?

Sandino is referred to as a bandit. Is he a bandit? He is being backed by the Congress of his country. Who are we backing? We are backing Diaz, the head of a bastard government. How did Diaz obtain his place? By driving Sacasa out of office at the points of bayonets. He has no right in that office. The people of Nicaragua never elected him. He is an impostor and a usurper. Four-fifths of the people of Nicaragua stood up in protest against him, and when he with force drove Sacasa out the masses of Nicaragua, many of them armed, arose; they were marching to the capital to overthrow this impostor and usurper, and what did they meet? They met the armed forces of the United States, who told them to halt, and said, "We are going to hold Diaz in this office of President."

The question is, Who and what influence got the United States Government to take the side of Diaz?

Diaz would have killed Sacasa if he could have gotten his hands on him. They wanted to kill him; but when he got away and aroused his patriotic followers, they were coming back, as they had a right to do, to drive Diaz out, and would have done it but for the strong and mighty arm of this great Government.

My God! What are we coming to in the United States? Are these boys that we are rearing in these various States going to be taken from their homes and sent off on this imperialistic road? Are they going to give their lives for the purpose of collecting the debts of adventurous speculators in our country and protecting questionable holdings in property wherever they choose to go and invest? When they do it amid hazardous and dangerous conditions, have American boys in uniform got to follow these adventurers all over the earth, wherever they make an investment or make a loan, and wave the flag of the United States and become their collecting agency? They are not going to do it if I can help it.

I am willing to protect the property of American citizens in foreign lands when they go about acquiring it in a legitimate way and are behaving themselves and attending to their business and locate in communities and establish themselves in foreign countries as law-abiding citizens, remaining loyal to America. We will look out for them and protect their property; but these reckless adventurers that are running over the world, these globe-trotters, investing in hazardous situations, who cry out whenever their holdings, big or little, are imperiled, they must show me that they are entitled to such consideration and protection.

Mr. President, many of the nations of the earth have perished out on this same imperialistic road. When the mighty financiers got so big that they went out of their own country to invest in other countries, and had the Army follow them, that is when the country took the fatal step and entered upon the road of imperialism, and then came decay and downfall. Are we ready to enter upon that road? God forbid.

What are we told here? That Sandino is a bandit. Well, let us see what is the true situation in Nicaragua.

Sandino is leading his forces against the Diaz government. Is he pursuing our soldiers? No. What is he doing? He is trying to keep away from them. What are our marines doing? They are pursuing him. Does that look as if we are protecting American property and waiting to hold an election? No, Mr. President; there is no escaping the fact that we are there at the instance of Diaz and his régime which includes Wall Street financiers. We are protecting Diaz. We are fighting the battles of the Diaz government, while every one of his soldiers sits in a place of safety, not one of them in danger, and American boys are being sacrificed in such a miserable cause!

If I were not in the Senate, and a Senator representing me or misrepresenting me as he would be doing should he vote to keep the marines in Nicaragua indefinitely, I would ask him, when he came up for reelection, if he had forgotten me and the others and their sons who were being fed into the maw of death down there in Nicaragua.

I repeat, what is the situation, Senators? Sandino is fighting the Diaz government. Is he alone? No. Who is backing him? The Nicaraguan Congress. That is not a bastard congress. They did not usurp their places. They were elected. What side are they on? They are on Sandino's side. Do we believe in self-government? They look on Diaz as an impostor and a usurper. They recognize Sandino as being engaged in a righteous cause, and the Congress, when the issue was put up to them as to whether they would vote to express themselves favorably to our remaining in Nicaragua to hold this election, voted overwhelmingly against it.

Senators, there is no way of getting away from the fact that we are intruding ourselves upon those people. The only legiti-

mate government that exists in Nicaragua is the Congress of the country, and that Congress is on record opposing our remaining in Nicaragua.

What are you going to do about it? Sandino and the other natives who are fighting the Diaz régime are out in the open. Then, who is against the Congress and Sandino? Diaz is. How long would he last if the armed forces of the United States should be withdrawn? They tell us we are not in a state of war. That seems to be the position taken by the Senator from New Jersey [Mr. EDGE], the Senator from Connecticut [Mr. BINGHAM], and others, that we are not in war. Mr. President, there have been any number of American marines killed, one from my State, a brave boy named Russell, a boy just 21 years old, just standing on the threshold of man's estate, a bright, fine boy. He has gone to his death down there, and while we are waiting for the big imperialistic financiers of Wall Street to tell us when to come out, boys from your States and boys from mine are being killed down there while we are waiting to decide just what will be done.

They tell us we are not in a state of war even if we kill hundreds of their soldiers in battle. I am sorry the Senator from Virginia did not tell the Senate about a little village down there where the men, women, and children were literally murdered and the village wiped off the face of the earth by the field guns and air bombs of the United States marines. Women with babies in their arms fleeing into their mountain fastnesses were blown from the face of the earth. They have not harmed us. They had a right to live.

Why are we doing that—hunting Sandino, going out to where he has fled in his efforts to get away from the American marines? He was not pursuing our Army; he was not engaging them in battle; he was not firing on the flag. He was fleeing from this mighty force, and in pursuing him it seems that they killed everything they could find along the way. Can you justify such brutal conduct in the greatest nation on earth, the only nation whose highest judicial authority has declared it to be a Christian nation? God deliver us from such Christianity.

What are you going to do about it? You say that since we are down there we must remain there. Who is putting that thought in the heads of Members of this body, that since we are down there we must remain there?

Mr. CARAWAY. Mr. President, does the Senator call that a thought or a suggestion?

Mr. HEFLIN. A very feeble suggestion, I would say. But they say we are down there, and we will decide later when we will bring the marines out. Who made the suggestion—following the idea of the Senator from Arkansas—that we will wait and decide later when we will come out? How many more American boys have to be killed before the Senate wakes up?

Mr. SMITH. Mr. President, I tried to get the Senator from Virginia to tell us what would cause us to remain in Nicaragua after the election we are alleged to be in there to bring about shall have been held. Let us suppose the election is held in October, and, according to the judgment of those who will have the right to vote, suppose a fair election has been held, and the proper parties are installed in office, why are we to stay there after that function has been performed? He says we should not name any date, that we should wait until December, which will be two months after the election will be held, or maybe next April. He says it will take a prophet to prophesy. Prophecy what? I want to know, if we are there simply to hold an election, why we should stay there after the compact has been fulfilled.

Mr. HEFLIN. That is beyond me. The Senator is entirely right.

If, after the election is held, the President is duly installed, he will then be the commander in chief of his army and his navy, if he has any; his forces will be free and unfettered, and he can arm and equip them in order to preserve his government. He will have the right to preserve himself and his government. Then what business is it of ours? Must we continue to stay along for a few years, and watch him, to see how well he will do?

Mr. SMITH. According to the Senator from Idaho and the Senator from Virginia each side had ample arms, but they surrendered them, on the understanding that we were to see that a fair election was held. After the election is held, and the officers are installed, as the Senator intimates, then the army and navy, if they have such a thing, anyhow, the military, the fighting forces, will be at the command of the duly elected government, and it will become the duty and responsibility of the president to see that there is a proper observance of the law. It is not our responsibility.

Mr. HEFLIN. Absolutely. If that position were not sound, and the position of the opposition were the sound one, then, if

we should ever go into one of these countries hereafter, we would have to stay there for a certain number of years to make sure that those people were capable of self-government, and that they were able to take care of themselves. When did this Government ever commit itself to such a foolish course as that, running its armies around the earth, policing other nations, setting up governments, and keeping troops there to maintain them? It is ridiculous, and the position of the opposition is ridiculous.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. DILL. Is it not a fact that when they had the other election, the Liberals won power, and then as soon as trouble occurred we went in and recognized the existing government in opposition to what the people had voted?

Mr. HEFLIN. That is true. In practically all of the cities that held elections after Diaz overthrew Sacasa, the Liberals won. The tide was rising and coming in strong, and then our Government appeared on the scene to stem the tide and to save the imposter and usurper, Diaz. Senators, there is no question about that.

I have a private report here that I am going to read in a day or two if this thing continues, which shows that one of the Conservatives, a leader, told the Liberals, "You can not drive us from power. We have the Wall Street bankers and White House with us."

Mr. SMITH. Is it not a fact that Diaz is in power in violation of the compact entered into by the five South American States, to the effect that no man should hold office who was the beneficiary of a revolution?

Mr. HEFLIN. That is true. Senators, the more we discuss this the more light we turn in on it, the more untenable is the position of those who oppose the bringing of the American marines out of Nicaragua.

Senators who so solemnly tell us that we are not in a state of war remind me of a case that was up for trial in Alabama, where a witness was put upon the stand and they asked him to tell what occurred. A difficulty had taken place, and serious harm had been done to several human beings, and one man had been killed, and they asked the witness to tell what occurred. He took his seat on the witness stand and proceeded to talk. The prosecuting attorney said, "Just tell the jury, now, what you saw."

"Well," he said, "I was down there in the storehouse at the crossroads, in the back room of the store."

"Tell just what occurred. You were there when the difficulty started?"

"No, sir; I was not there when the difficulty started. I walked in the back room of this store and I saw Pete Brown strike Jimmy Jones over the head with a chair and knock him sprawling on the floor. Jimmy Jones's brother stabbed Brown's brother in the shoulder with a dirk, and then one of the Brown boys' cousins arose and shot Pete Elkins, a relative of the Jones boys, and killed him, and I said to myself, 'By golly, there's going to be a difficulty here and I am going to leave before it starts.' [Laughter.]

Mr. President, I believe that the facts in that case would impress the average man or woman of ordinary intelligence that the difficulty had really started before that witness left.

And yet he had the same idea about fighting that these Senators have about our fighting in Nicaragua. What is the killing of a few marines, they seem to say. That is not war. What is the killing of patriotic native Nicaraguans? That is not war. What is the blasting and blowing of a Nicaraguan village from the face of the earth, and rending the air with the screams and the walls of dying mothers with their babies in their arms? Is that war? Yes; it is cruel, remorseless, and inexcusable war.

Has the Congress of the United States ever declared war on Nicaragua? No. What does the Constitution say about it? It says that no power but Congress shall declare war. Does that mean that a President can start a war of his own and carry it on, and that Congress has nothing to do with it?

Senators, there was a time in this body when nine-tenths of the Senators would have been standing on their feet demanding that the President come here and give an account of this usurpation of the people's power vested in Congress.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. McKELLAR. On the question of the claim about what is and what is not war, as I understand it, more than three times as many Americans have been killed in Nicaragua as were killed at the great Battle of New Orleans, one of the greatest fights this country was ever in.

Mr. HEFLIN. Yet they say it is not war. To this day we point with pride to the time Old Hickory and his soldiers with

their squirrel rifles hid behind the cotton bales and whipped Pakenham and his army.

Mr. McKELLAR. And we lost eight men.

Mr. HEFLIN. And we lost eight men. We are killing many times that many marines in Nicaragua. We say that the battle at New Orleans was the decisive battle, the finishing up of the job with Great Britain in the War of 1812. But this thing down there in Nicaragua, Senators would have us believe, is only a May morning zephyr, a mere butterfly parade—not war! What is the killing of American marines and native soldiers of Nicaragua and the blasting of Nicaragua homes and families from the face of the earth?

Senators, the day is coming when the fathers and mothers of this country are going to call to political judgment those who sit in this body and in the other branch of Congress and vote to send our soldiers into foreign countries under every pretense under the sun.

I am going to insist that Congress lay down a program and specifically set out just what the President's powers are in the matter of using independently of Congress the armed forces of the United States.

I would not hamper him in any necessary and legitimate use of them. I want the President to be foot-loose and free, if danger should approach and Congress were not in session, to do the thing necessary to protect American rights and interests until Congress could be convened. I want the President to be at liberty to do what is necessary to protect our country temporarily; but then, just as soon as it is possible for him to do so to take the matter to Congress, because we are the representatives of the people, coming directly from them, and their Constitution provides that no one but Congress shall declare war, and that means that no one but Congress in the true sense shall conduct or carry on a war. War has not been declared on Nicaragua and Congress is not conducting an American war against Nicaragua. It is being conducted by the President, and it is a usurpation of constitutional authority that belongs to Congress.

Senators, those of you who think you want to vote to keep the marines in Nicaragua until after this election should consider this proposition. I have an amendment pending which I am going to offer as soon as the amendment of the Senator from Wisconsin [Mr. BLAINE] is voted on. I am not going to offer it as a substitute for his amendment.

I am going to give the Senate a chance to vote on his amendment as it stands, and then I am going to offer mine as a separate amendment to the bill. They deal somewhat with different subject matters. Mine is a brief amendment. I think Senators can vote for it without showing any desire to embarrass the President. They can assert their own sense of right and justice in the premises as representatives of the people and leave it to the President to ask Congress to consent to his plan if he wants to have the American marines remain in Nicaragua. Here is my amendment:

Provided, That none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility by United States marines in Nicaragua unless and until the President shall obtain from Congress the consent to keep them there.

What is wrong about that? If the President has a good reason for wanting to keep them there, let him do like President Wilson did when the armed forces of Mexico at Tampico and Vera Cruz arrested a United States citizen who was on an American battleship and who went ashore to get the ship's mail. He was arrested and thrown in prison. They arrested other American citizens. President Wilson came to Congress and asked Congress to sanction his suggestion that he go into those towns in Mexico with armed forces. Congress did it. What is wrong with the suggestion and demand that Mr. Coolidge come here and tell us just why he wants to remain in Nicaragua awhile longer? It is his duty to do it. For months I have stood on the floor of the Senate and said that he ought to get our consent, but he has never come for it. Other Senators have said the same thing, but he has never come to consult us.

Now, the leaders are moving heaven and earth to adjourn Congress by the 25th of May with this big question pending, clearing the decks and getting everything out of the way so that Senators can go home and begin the game of politics again, and these helpless marines, American boys in Nicaragua, bound by the order of the President, have to stay in Nicaragua until the snow flies and until somebody decides that they may all be brought back home. Why not adopt this amendment of mine and say that he can not use these funds unless he comes here and gets our consent to keep the marines in Nicaragua? We are representing the American people. Nobody here speaking

for them has said we have any right in Nicaragua. It is simply said that since we are there we ought to stay there.

That is the flimsiest excuse ever made by a man who lays any claim to statesmanship—that we have done wrong in going there; that it was a miserable mistake; that we have no right in there; and yet we ought to stay there and continue to kill American boys until somebody's whim or purpose is satisfied, until we have seen enough bloodshed, until enough soldiers have been killed to shock this Nation so that a cry like a bugle call will sound around the country to assemble Congress and take action to get our boys out of Nicaragua.

Senators, four-fifths of the American people I believe want to bring our boys out of Nicaragua. They are not in favor of this desperate and dangerous imperialistic move. They are not in favor of the reckless adventurers whose only music is the clink of dollars and dimes, who care nothing for the killing of human beings, who are simply after stuffing their purses with their ill-gotten gains. Has Congress reached the point that we are going to let them dictate our course? If I may be permitted to say it, we ought to remain true to the people who sent us here, true to American ideals and true to the Constitution of the United States.

Mr. President, I have here an article from the Chicago Daily News. It is headed "Criminal slaughter of brave Nicaraguan boys."

Mr. BINGHAM. Mr. President, does not the Senator think it particularly appropriate that a protest against the use of rifles and machine guns should come from Chicago?

Mr. WHEELER. I think they ought to send the marines to Chicago instead of sending them to Nicaragua.

Mr. CARAWAY. They want us to settle the Chicago riots for them.

Mr. HEFLIN. The Republican Party leadership or management has become so corrupt in certain places that the high-up grafters and thieves have fallen out among themselves and have gone to killing one another. Something has got to be done to stop that. I trust that that will hold my friend from Connecticut for a while. [Laughter.]

Mr. President, among other things, this article says:

All fair-minded, thinking men, no matter of what race, creed, or color, must agree with Senator HEFLIN in his stand that we should end this needless slaughter of our American boys in Nicaragua.

I shall ask permission to print the entire article, but I want to read just another sentence or two in this connection:

To be sure, we claim we were invited to supervise the coming election in Nicaragua. This may be true of a few Nicaraguan leaders who are willing to sell their country for a mess of American pottage.

Mr. President, I want to say here, that there are some scandalous suggestions about the deals of Mr. Stimson with some of those Liberal leaders in Nicaragua. It is openly rumored around the Capitol that large sums of American money were used to buy off some of those leaders opposed to Diaz and that those offers were coupled with the threat that "you had just as well get this and get out of the way, because if you do not the American Government will crush you." Sandino was the only one who had the grit and the courage finally to stand up and say he was willing to die rather than to submit to such a deal.

Continuing, this article says:

Evidently the brave stand taken by Sandino and his followers has had some influence on those Nicaraguan congressmen, when they bravely voted against our supervision of their coming election. But to what avail? Immediately after this decision of the Nicaraguan Congress, our Government replied by sending another thousand marines to that country. Apparently we have no regard for the wishes of the majority of the people of Nicaragua—we intend to force ourselves upon this weak and much-harrassed country. And to what end? Can we afford to incur the hatred and distrust of other nations by pursuing this policy of "might makes right"? Can we do this and continue to consider ourselves a "Christian" nation?

Mr. President, I ask permission to have the entire article printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. EDGE in the chair). Without objection, it is so ordered.

The article is as follows:

SANDINO AS A HERO—"CRIMINAL SLAUGHTER" OF BRAVE NICARAGUAN BOYS
To the New York Herald Tribune:

On March 20 Senator HEFLIN, of Alabama, protested in the Senate against the murder of American boys in Nicaragua and made a demand for the immediate withdrawal of the United States marines from that country. However, as in the case of similar previous protests, objection was made and the question was "thrown over."

All fair-minded, thinking men, no matter of what race, creed, or color, must agree with Senator HEFLIN in his stand that we should end this needless slaughter of our American boys. Yet how much more criminal is the slaughter of Nicaraguan boys by our marines! What are these young Nicaraguans doing other than making a brave effort to defend their country against the forced intervention of the mightiest Nation in the world? Is it such a long time since our Revolutionary days that we have forgotten the meaning of freedom and patriotism?

We call these Nicaraguan patriots "bandits" and "rebels." Rebels to what? To the United States? By what chance of the gods did we become masters of this supposedly independent nation? We even go so far as to call General Augusto Calderon Sandino, that heroic young figure who asks nothing for himself and gives all for his country, a "bandit." As one magazine editor puts it, Sandino is no more a bandit than our President is a bolshevik. If the American marines should kill this young patriot and defender of his country, it will be to the eternal disgrace of our Government.

To be sure, we claim we were invited to supervise the coming election in Nicaragua. This may be true of a few Nicaraguan leaders who were willing to sell their country for a mess of American pottage. But when the question was debated in the Nicaraguan Congress recently it was voted against by a large majority. Evidently the brave stand taken by Sandino and his followers has had some influence on those Nicaraguan Congressmen, when they bravely voted against our supervision of their coming election. But to what avail? Immediately after this decision of the Nicaraguan Congress our Government replied by sending another thousand marines to that country. Apparently we have no regard for the wishes of the majority of the people of Nicaragua—we intend to force ourselves and our power upon this weak and much-harassed country. And to what end? Can we afford to incur the hatred and distrust of other nations by pursuing this policy of "Might makes right"? Can we do this and continue to consider ourselves a "Christian" nation?

JEAN WUNDERLICH.

BROOKLYN, March 27, 1928.

Mr. HEFLIN. Mr. President, I want to say this in conclusion:

First, Diaz is not justly or legally the President of Nicaragua. He has no right to hold for a single day the office of President.

Second, Sandino, as a party to the agreement, has broken it, and those of the Liberals who can get arms are following him and objecting to the presence in Nicaragua of American marines.

Third, the Congress of Nicaragua is on the side of Sandino and his followers and has voted against permitting the American forces to remain in Nicaragua and conduct a presidential election in that country.

Fourth, the American marines are a part of the fighting forces of the United States. They act in the name of the United States, and whether we call them soldiers or call that force the United States Army they are carrying the flag, they are killing people in the name of this Government just like other soldiers would do, so there is no difference. We have to all intents and purposes got our Army in Nicaragua. It makes no difference to the Nicaraguan whether he is killed by a marine or by a soldier in the Army. When the Nicaraguan is killed he is just as dead when killed by a marine as he would be if killed by a soldier.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. I yield to the Senator from South Carolina.

Mr. SMITH. If our forces were not fighting Sandino, it is very evident that the opposition in Nicaragua would be fighting them. Then what would that be called in Nicaragua? If the Conservative forces were fighting the Liberal forces, we would denominate it warfare, would we not?

Mr. HEFLIN. Certainly.

Mr. SMITH. But simply because our forces have taken the place of the Conservative forces, it is not war.

Mr. HEFLIN. The Senator is absolutely correct. Not only that, Mr. President, but, as I said a moment ago, Sandino and his men are not fighting our soldiers or pursuing our soldiers. They are fleeing from our soldiers. They are being pursued by our soldiers. I am about to make an assertion now that no Senator of the opposition will deny—at least, I do not think he will. Our marines are being sent out in the mountain fastnesses of Nicaragua under instructions to pursue and find and kill Sandino. Who can deny that?

The only outstanding and prominent Nicaraguan patriot that had the courage to stand up and die rather than basely submit to the invader who comes with guns and battle blade to hold a usurper in office against the will of four-fifths of the natives said, "I am willing to spill my blood and give my life in defense of the rights of Nicaragua." This Government is following Washington's example with his ragged Continentals when they

were fighting for the same principle. We still point with pride to their heroism, their patriotism, their willingness to do and die for those principles of justice and liberty, and yet here we are with our great flag unfurled, with the fighting forces of the greatest Government on earth pursuing this hero of Nicaragua with the avowed purpose of finding him and killing him wherever we find him.

Senators, can we justify that? Have you any right to kill my boy or to kill your boy or our neighbors' boys in the various States in pursuit of such a principle, cowardly and base as it is? I do not believe we have.

Let us vote to adopt at least a portion of the amendment of the Senator from Wisconsin. I am not entirely satisfied with all its provisions, and yet I am for it in the main. Let us provide that the President must come here to Congress and take us into his confidence as the representatives of the people and get our consent before he can proceed further with his strange program and terrible slaughter in Nicaragua and thus carry on still further an unauthorized war which has already lasted for more than a year.

Let Congress assert itself, be true to itself, true to its oath, true to the people in whose name it speaks by demanding this action on the part of the President of the United States.

Mr. McKELLAR. Mr. President, I shall detain the Senate for only a few minutes this afternoon.

Mr. President, I am opposed to keeping our troops in Nicaragua; I am opposed to the war that is admittedly going on there. I believe that the war that is now being carried on in Nicaragua is not in accordance with our Constitution. I believe it is in direct violation of our Constitution. It is claimed that the President is Commander in Chief of the Army and Navy under the Constitution, and so he is, but the Constitution specifically provides that only Congress has the right to declare war. It gives the President no power to declare war or to engage in war without the direction of Congress.

I want to say at the outset, Mr. President, that the amendment offered by the Senator from Wisconsin [Mr. BLAINE] is not exactly the kind of an amendment that I should like to vote for, nor is the amendment offered by the Senator from Alabama [Mr. HEFLIN] just what I think is proper at this time. I think both amendments go a little too far, and I have prepared an amendment of my own that I believe will more nearly fit the situation. I wish to read it to the Senate; it is very brief:

Provided, That no part of the appropriation made in this act shall be used for the purpose of maintaining marines or troops in the Republic of Nicaragua on and after February 1, 1929, unless specifically authorized by the Congress: And provided further, That, in the event of an emergency, the President is authorized to land troops temporarily for the protection of lives and property as authorized by international law and by the Monroe doctrine only, in which event the President will report to Congress immediately, if the Congress be then in session, and upon the convening of the Congress, if it be not in session.

Mr. President, I believe that that amendment ought to be satisfactory to every Senator here. Why do I say that? It is because I have listened to or read the speeches made on the other side; to the speech made by the Senator from New Jersey [Mr. EDGE], to the speech delivered by the Senator from Idaho [Mr. BORAH], to the speech delivered by the Senator from Connecticut [Mr. BINGHAM], to the speech delivered by the Senator from Virginia [Mr. SWANSON], and to the other speeches made on the other side, in every one of which it was admitted that a state of war exists in Nicaragua. All, except the Senator from Connecticut, have admitted that they did not believe that we should have gone into Nicaragua or that we should stay there. So it seems to me that there is no reason why every one, with the exception of the Senator from Connecticut, should not vote for the amendment which I have proposed, and in that way settle this question.

Mr. President, much has been said about our having assumed obligations in Nicaragua which we should now fulfill. The amendment suggested by me will permit every supposed obligation to be fulfilled, because the troops will not be ordered out until more than three months after the election which we have assumed to hold in Nicaragua. So it is not a question of fulfilling our obligations. The amendment which I suggest will fulfill every one of the assumed or so-called obligations.

I wish to say that I do not think we should have assumed any obligations down there. Our troops have no business in Nicaragua. It is not our duty to govern Nicaragua; it is not our duty to land troops in Nicaragua. No American property seems ever to have been in jeopardy in Nicaragua; no American lives were in jeopardy in Nicaragua until we ourselves had jeopardized them.

Mr. EDGE. Mr. President, will the Senator from Tennessee yield to me?

Mr. McKELLAR. I shall yield to the Senator in just one moment.

The only way American lives have been in jeopardy in Nicaragua is by reason of our making war on the citizens of Nicaragua. Now I yield to the Senator from New Jersey.

Mr. EDGE. While I was temporarily occupying the chair, as I followed the speech of the Senator from Tennessee, he made a statement that in addressing the Senate a few days ago on this subject the Senator from New Jersey had indicated that in his belief the troops should never have been sent to Nicaragua, or words to that effect.

Mr. McKELLAR. I so understood the Senator from New Jersey. If I did not understand him correctly, will he now say what is his view on the subject?

Mr. EDGE. For that reason I left the chair and took the floor. At considerable length I expressed to the Senate on Friday the conviction that, in my judgment, the sending of marines to Nicaragua was in every way justified, and I read from the report of the State Department—which I shall not attempt to repeat in the Senator's time—reciting, I would say off-hand, 25 or 30 requests, some of them coming from Senators now members of this body, the Senator from Louisiana [Mr. RANSDELL], the former Senator from Kentucky, Mr. Ernst, and others, representing constituents or American citizens who were in business in Nicaragua, requesting that the President protect the lives and property of American citizens there. So far as I am concerned, I do not want to interrupt the Senator, but I want it to be perfectly clear that I believe the President of the United States was in every way justified in sending the marines to Nicaragua, and that it was a great mistake, on the other hand, that the marines were withdrawn from Nicaragua in 1925, which action was followed within two months by revolution.

Mr. McKELLAR. The Senator from New Jersey desires to keep the troops there indefinitely. Is that correct?

Mr. EDGE. So long as the Senator from Tennessee has asked me that question, permit me to answer it. In reply I desire to say that I want to see the marines out of Nicaragua at the earliest possible moment.

Mr. McKELLAR. Why?

Mr. EDGE. But I do not think that the Senate of the United States is in any way qualified arbitrarily to decide 8 or 10 months in advance what that date should be. In the meantime our officers are assisting to organize and train a national guard, which I sincerely hope, as I am sure does every Member of the Senate and every American citizen, that they may take up the work of keeping order in Nicaragua so that we may withdraw our marines. Nothing would be more pleasing to me.

Mr. McKELLAR. Mr. President, a peculiar situation has developed in the Senate. Out of the, I believe, 94 Members of the Senate that we now have, 2 Senators, the Senator from New Jersey [Mr. EDGE] and the Senator from Connecticut [Mr. BINGHAM] justify the sending of the troops to Nicaragua; 2 out of the 94. We have two others, the distinguished Senator from Idaho [Mr. BORAH] and the distinguished Senator from Virginia [Mr. SWANSON], who say that troops ought not to have been sent there, that they ought not to be kept there, that they ought to be brought out, but they want to hold them there just a little while longer. How long do they want to hold them there? Well, just a while longer. It is all wrong for them to be there; it is all wrong for the Government to keep them there; but the situation might be complicated in some way, and so they should like to have the decision on this question go over until December. To-morrow! To-morrow! To-morrow! These Senators ask us to put off the date of withdrawal, but, after all, there are only four Senators, so far as I have heard, who have stood on this floor and have stated that they want this condition to continue. What is the remainder of the Senate going to do? Are they going to sit idly by and cast their votes to uphold a defensive proposition purely? Two Senators, Mr. EDGE and Mr. BINGHAM, boldly take the side that it is all right and that the condition ought to continue, while two other Senators, Mr. BORAH and Mr. SWANSON, say that it is all wrong and it ought not to continue, but these last two are unwilling to fix a time for its discontinuance. What are the rest of us going to do? Are we going to assert our manhood? Are we going to stand by what we think is right, or are we just going to follow blindly the four Senators, two of whom say that they were willing for the United States to go into Nicaragua and are willing to stay there, and the other two who seek to justify our remaining there?

Mr. CARAWAY and Mr. BINGHAM addressed the Chair.

Mr. McKELLAR. The Senator from Arkansas rose first, and I yield now to him. I will yield to the Senator from Connecticut later.

Mr. CARAWAY. The only thing I was preparing to ask the Senator from Tennessee is this: If we are unwilling to trust

our judgment to say when the marines shall come out of Nicaragua, and if there is a superior intelligence which we must follow blindly, I am curious to know where we get intelligence enough even to approve what the superior intelligence has done. Until we come to comprehend an act we can not intelligently approve it, can we?

Mr. McKELLAR. I should not think so.

Mr. CARAWAY. And if we can comprehend it, then we can tell what ought to be done, can we not?

Mr. McKELLAR. I have noticed that whenever a lawyer has a bad case he wants to postpone consideration of it. So the four special pleaders, two of whom are open in their pleadings, and the other two, who say that they are all wrong in the position that they take, all want the question to go over.

Mr. CARAWAY. Mr. President—

Mr. McKELLAR. I yield.

Mr. CARAWAY. We are asked, however, to vote that we have not sense enough to know what ought to be done. Is that not correct?

Mr. McKELLAR. That is the substance of it.

Mr. CARAWAY. But we have a guardian, and until he speaks we must not act?

Mr. McKELLAR. That is the substance of it.

Mr. CARAWAY. If that is true, why do we not get off the pay roll?

Mr. McKELLAR. It would be cheaper to do so. I now yield to the Senator from Connecticut.

Mr. BINGHAM. Mr. President, I merely wish to say that, from what little reading of history I have been able to do, I believe that if one of the greatest citizens that ever came from the State of Tennessee or who ever conducted operations in the State of Alabama were here to-day, he would take the position of standing up for American citizens wherever they are. I refer to Andrew Jackson.

Mr. McKELLAR. And so will I, but I do not believe in making war upon a helpless nation, and Andrew Jackson never would have done it in all his life. The weak and helpless always had his protection. When he fought individually, he fought antagonists who were his equals. When he fought nations, he fought nations like Great Britain, France, and Spain, all at that time our full equals. Andrew Jackson never jumped on a cripple or a weakling.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. NORRIS. I wish to enter my protest now against the Senator from Connecticut trying to put those who are in favor of this amendment in the attitude of being opposed to the protection of American citizens.

Mr. CARAWAY. That is not involved in the question at all.

Mr. McKELLAR. I will say to the Senator the very amendment I have read and which I intend to propose directs the President to protect the lives and property of American citizens.

Mr. NORRIS. Without regard to the Senator's amendment or any other amendment, whether it be the amendment that is now pending, the one the Senator from Alabama has said he is going to offer, or the one which I have in my desk and which I am going to offer if the proper parliamentary situation presents itself, I want to protest against any insinuation here that those who are in favor of amending the appropriation bill as proposed are enemies of their country, or bolsheviks, or are opposed to government, or opposed to protecting American lives and American rights. There is not any call for that kind of insinuation, and it ought to be beneath any Senator's intention to try to cast such a reflection upon those who are standing for a principle.

Mr. McKELLAR. Mr. President, I hope the Senator will not be too severe on them. Our antagonists are hard pressed, indeed, for any argument on their side of the case.

Mr. CARAWAY. The Senator does not call that an argument, does he?

Mr. McKELLAR. And naturally they are grasping at any straw. Therefore I want to be pleasant and agreeable with them. I do not think they ought to be blamed; they have taken the wrong side of this question, a side that they can not defend from attack, and so in their efforts to try to defend it they are just grasping at any shadow or any straw and attempting to place it before the Senate.

Mr. NORRIS. Their situation is very much like that of a witness before the Federal Trade Commission the other day. The Water Power Trust was sending out instructions to those who were going to defend it in opposition to those who do not agree with it that they ought not to use arguments or attempt to do so, but to try to stigmatize those in opposition as bolsheviks.

Mr. McKELLAR. It is somewhat similar to the statement of the Senator from Connecticut [Mr. BINGHAM] a few mo-

ments ago, when he undertook to show that one of the greatest men this country ever produced, Andrew Jackson, in his judgment, would have taken a different position. Why, that is idle. As I read the history of Andrew Jackson, he never under any circumstances could have been induced to make war on a weak, poor nation like Nicaragua. He was not that kind of a man. He was not that kind of a fighter. He would have scorned to jump on a little, defenseless nation.

Mr. HEFLIN. Mr. President, if the Senator from Tennessee will permit me just one minute, when in his war with the Indians at Horseshoe Bend, I believe—

Mr. McKELLAR. That was one of his greatest fights.

Mr. HEFLIN (continuing). They found one of the little Indian boys roaming wild in the woods, cut off from his people, and some of the Jackson troops wanted to kill him; Jackson shamed them and reproved them, and took that little Indian boy home with him, and reared him in his family.

Mr. McKELLAR. He adopted him.

Mr. HEFLIN. He adopted him. That is the sort of a heart he had.

Mr. McKELLAR. Mr. President, our opponents are hard put to it when they make such suggestions. But I proceed.

I want to say that we did not have any business attempting to regulate elections in Nicaragua. It is none of our business whom the people of Nicaragua select as their President or as their other officials. It is their country; it is not ours. These are their elections, not ours—their fights, not ours.

I did not approve of Mr. Stimson being sent down there to make any such agreement as he made. He ought not to have been sent down there. The agreement he made ought not to have been made; but, as it has been made, out of the abundance of precaution it might be well for us to stay there until such agreements are fulfilled; but as soon as past obligations, either supposed obligations or any other kind of obligations, are fulfilled, we should get out of Nicaragua.

Diaz ought never to have been recognized by our Government as the President of Nicaragua. He was not elected to that place. Another man was elected. He is a usurper. He led a successful revolution, overturned the Government, and took charge of it, and we gave him at least tacit approval, and since that time our Government has given him its open approval. We should never have done that, in my judgment.

In keeping our troops in Nicaragua and making war on Nicaragua, in holding an election in Nicaragua, in holding Diaz in as President of Nicaragua, we are committing a number of offenses.

In the first place, we, a great power, are jumping on a weak power, utterly unable to defend herself against us. We are making war against a friendly power. We are taking the part of one set of revolutionists against another set of revolutionists. We are needlessly destroying the lives of our own marines, and we are unlawfully destroying the lives of our opponents.

We are making war contrary to our own Constitution. We are holding an election down there contrary to right, contrary to justice, contrary to the laws of nations, and regardless of the best interests of the people of Nicaragua, and at the same time regardless of the best interests of the people of the United States. It is a war that no fair-minded man can defend. What financial interests have brought this war about are immaterial and inconsequential; but this Congress ought to stop it, and there is but one way to stop it, and that is to take away from the President the funds with which to prosecute it further.

I regret that there are any supposed, or alleged, obligations. If there were none, I would certainly vote to take our marines out. But since they are there and the election will take place in October, our troops should be taken out by January 1, 1929.

I am not complaining of President Coolidge or of Secretary Kellogg. They are simply following in the footsteps of other Presidents and other Secretaries of State; but this is simply a matter where Congress has the power and the duty. It has the only power to declare war, and its duty is to withdraw our marine forces at the earliest possible moment.

Unless the Congress does it, we are allowing the Executive authority to encroach on our legislative power. But even that question is immaterial beside the big question of what is right for this great Nation to do. We all know that we have no business down there. We all know that we have no business keeping our marines down there. We all know we have no business taking part in revolutions down there. We all know that it is not to the interest of Nicaragua for us to be down there in the position of actual war that we are in; and we all know that it is unjustifiable for a great Nation like the United States to take charge of the domestic troubles of a small country like Nicaragua. Let us get out as soon as possible with honor, and stay out.

I am willing to help Nicaragua in every honorable and proper way; but I am unwilling to impose our rule upon her. We want to be a friend of Nicaragua and of all her people; but I believe the American people are opposed to the present guerrilla warfare that we are carrying on there now. I know that I am, and therefore I am going to vote for these resolutions and amendments as they come up. I am not going to be put in the attitude of condoning for one moment what has been done down there, or what is being done down there, or what will be done down there by us.

If the first amendment that comes up is the one that has been offered by the Senator from Wisconsin [Mr. BLAINE], I expect to vote for it, not because I approve it just as it stands but for the purpose of protesting against this unholy war that is being waged down there. If that amendment is not adopted, and the Senator from Alabama [Mr. HEFLIN] offers his, I am going to vote for that. In other words, while I do not approve of either one of those amendments just as they stand, as I have stated before, such is my interest, such is my feeling about the matter—a feeling that my country has been placed in a wrong position—that I am going to make my protest known by my speech and my votes and in every way that is possible.

The Senator from Virginia [Mr. SWANSON] talks about postponing this matter until next December. He even suggests that we can add it to an appropriation bill next year. Why, it would be just as objectionable as an amendment to an appropriation bill next year as it is this year. Why do we offer it here? Because we know it will become the law if we put it on this bill, and all of us know that no independent resolution will be likely to become the law; and that is why we ought to vote for it now, Senators.

Remember that only four Senators, as I recall, have stood up here either directly or indirectly to uphold the present condition of things down there. Is the Senate going to abdicate its function, and let these four Senators club the other Members of this body into voting for something that they do not want, and that they know the country does not want? The American people, if I know anything about them, demand that we quit this unholy warfare in Nicaragua, and bring our marines out of there as soon as possible.

Mr. DILL. Mr. President, early in this session I submitted a resolution providing for the wiring of the Senate Chamber with electrical apparatus so that the debates in this body might be broadcast to the country. I have been unable to get serious consideration of that resolution up to this time; but at no time since I introduced it have I wished that it might be in operation as I have since this debate on the Nicaraguan amendment began.

I wish the American people could hear the discussion in this body on this subject. I wish they could hear for themselves the way in which those who defend the policy of the administration in Nicaragua refuse to meet the issue in this case. Why, they have discussed every possible subject to get away from the real question that is to be considered. They have said it was not proper to place this amendment on an appropriation bill.

I remind them and you that when the Constitution was written Congress, and Congress alone, was given the power to appropriate money with which to run the Government, including the Army and the Navy. This is the place, and this is the time to stop the use of the armed forces of this country when the actions of the Executive can not be controlled in any other manner. This appropriation bill will not be vetoed. A provision in this appropriation bill prohibiting the use of the marines in Nicaragua will be the law; and that is why Senators are so strongly opposed to the adoption of this amendment.

They say this is not the proper time to limit the action of the administration in Nicaragua. The Senator from Idaho [Mr. BORAH] and the Senator from Virginia [Mr. SWANSON], learned and able as they are, floundered about here as I have never seen them flounder in public addresses when they attacked all the administration had done and then urged that the Senate should accede to it for a little while longer.

The Senator from Virginia to-day said that the administration was wrong when it took the marines into Nicaragua, but having taken them in, he and other members of the Foreign Relations Committee consented that they should stay in. While that was going on, the administration recognized, according to the Senator from Virginia, the wrong President, the wrong government; and when I reminded him of that, he said that was the function of the administration; but he condemned the administration because it proposed to use the armed forces of this country to maintain that government which it had recognized.

Having started that policy, wrong though it was in his judgment, we must "keep the faith," as he said, and go forward. Congress adjourned, and Colonel Stimson, appointed without the

authority of Congress, made an agreement, not approved by Congress, to hold an election, not supported to-day by the Nicaraguan Congress or by a part of the Nicaraguan rebels, and we are told here that it will be "breaking faith" if we do not go through with it!

Then the Senator from Virginia—unfortunately for his argument, as it seemed to me—recalled the history of the Roman Empire. The Roman Senate, he said, would keep the faith of any proconsul, no matter how wrong the agreement of that proconsul might be. Ah, sir; if we have reached the place in the history of this Republic where we will follow in the footsteps of the Roman Empire in keeping faith with agreements that certain officials make that are illegal and wrong, the time has come to awake and put a stop to further agreements of that kind.

Mr. CARAWAY. Mr. President, if we are bound to honor agreements made by officials, whether right or wrong, why did we not let Sinclair keep Teapot Dome? Fall sold it to him, and got the money for it, and he gave it to him, and now we are trying to repudiate the transaction.

Mr. DILL. Yes; and then Sinclair used the money to get out of jail with.

Mr. CARAWAY. But if that argument is sound, what difference is there between the two cases?

Mr. DILL. I do not see any difference, except that this is far worse, because this has resulted in the killing not only of innocent people in a foreign land but of American boys who enlisted in the marines to defend the American flag.

Then the opponents of this amendment have gone to another position. I think it was the Senator from New Jersey [Mr. EDGE] who was talking about supporting the President. When the Congress of the United States has legally declared war, when this country has entered upon war with a foreign nation, then the Senator from New Jersey can well appeal to this body to support the President. None will be more loyal in supporting a President under that condition than I shall.

When the President makes an illegal, void agreement to do a thing which nobody yet has been able on this floor to show he had a right to do, namely, provide for the holding of an election in Nicaragua, it is not the duty of Senators to support the President; it is the duty of Senators here, under their oaths, to stop the President from going further with such illegal agreements and such illegal actions.

The Senator from Connecticut [Mr. BINGHAM] in a university address yesterday attempted to prove that the killing of men in Nicaragua is not war. As I listened to a part of his speech and as I read the rest of it I wondered what he would say to the mothers of some of these young men who died in Nicaragua. I want to remind you that these boys who are dying in Nicaragua are just plain American boys, who have the same right to life, who have the same right to the opportunities of young men that other boys have. When those boys lie dead at the feet of their mothers, I would like for the Senator to say to the mother of any one of them, "This boy was not killed in war." She would say, "What was he doing when he was killed? He was killed down in Nicaragua. What was he doing there if it was not war?" Then the Senator from Connecticut would say: "He was down there to help protect somebody's gold mine that some speculator had invested in. He was down there to help collect claims for American business men who were speculating down there."

I say I would like to have him look in those mothers' faces and tell them that; tell them that that was what their boys were dying for. Instead of that he attempts to defend a policy, as though it were a policy important to the future of the world that costs the lives of American boys. If you can kill one boy in a wrong cause, you can kill a million, because one boy's life is as important to him, his friends, his relatives, his parents, as are the lives of a million boys to those who love them.

I protest with all the earnestness I possess against the murdering of these boys in a foreign land without the consent or the authority of Congress.

It is said we went into Nicaragua to protect American lives and American property. When did the protection of American lives or American property require that we should set up a stable government and keep that government in such condition that those who have financial interests there shall continue to profit on the investments they have made? This is not the mere protection of American lives and property. This is an attempt to set up a government that will be stable, and to keep that government stable, so that those who have invested or want to invest may continue to make the profits they hope to make. We are doing this at the cost of American boys' lives, the lives of boys who had as much right to live, who had as much right to expect their legal rights to be respected when they joined the marines as other men. Of course, if their country called them in its own defense, they

would serve faithfully and fearlessly. It was never expected, it was never intended, and it is not right that they should be called upon to die in order that a few investors shall be able to continue to profit upon the investments they have made in a land where governments have always been unstable and still are of doubtful stability.

Mr. President, I do not want to take the time of the Senate, but I do want to call attention to the fact that every time Congress permits a President, be he Republican or be he Democrat, to do an unauthorized act in the way of invading a foreign land or using the armed forces of this country in an illegal way it furnishes an excuse for another President hereafter to commit an even greater wrong.

In this debate the fact has been referred to that Mr. Taft, Mr. Roosevelt, and Mr. Wilson all had used the armed forces of the United States abroad without first getting the consent of Congress. Those precedents are used as a defense for this greater wrong that is being committed, and when Congress refuses to take action to stop the committing of the present illegal acts on the part of the United States Government it is only furnishing another precedent for some other President in the future to do even more illegal acts and to commit even greater acts of hostility against foreign countries than have been already committed, and spill more American blood in the protection of property and the collection of foreign claims.

Future Presidents may claim to be justified by the fact that Congress permitted these acts, admittedly illegal and admittedly wrong, to be consummated with its own consent.

In closing I just want to remind the Senate that the power to declare war is a power that should be jealously guarded by Congress. A reference to the history of civilization discloses that wars originally were always declared by the king. A little later in the history of mankind the king's counsellors joined with him in declaring war. In practically every country in Europe to-day wars are declared through the cabinet. The great World War really began because of orders for troop mobilization on the part of the heads of the German and Russian Governments.

Here in America our fathers set up a Constitution and provided that war should be declared only by Congress, but little by little the Executive, having control of foreign affairs, is setting up precedents by committing illegal acts and by performing unauthorized deeds in foreign lands that inevitably lead us into war, until to-day we have in Nicaragua a state of affairs that is admittedly war, and we have men on this floor defending it as a necessary act on the part of the President which should not be even condemned by Members of this body.

I protest against it. I shall vote for every one of these resolutions in the hope that some one of them may pass. I do not approve the wording of all of them, but I shall vote for them, because I want to express my protest against this policy.

Mr. PITTMAN. Mr. President, I have an amendment I want to offer, if it is in order. It is to come at the end of line 9 of the amendment of the Senator from Wisconsin [Mr. BLAINE].

The PRESIDING OFFICER (Mr. STEIWER in the chair). There is an amendment pending to the amendment offered by the Senator from Wisconsin.

Mr. PITTMAN. I ask to have my amendment read, and have it lie on the table.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. PITTMAN. I understand there is only one amendment pending; that is the amendment offered by the Senator from Wisconsin [Mr. BLAINE].

The PRESIDING OFFICER. The Senator from Alabama [Mr. HEFLIN] tendered an amendment to the amendment of the Senator from Wisconsin.

Mr. PITTMAN. Very well.

Mr. McKELLAR. Mr. President, I think the Senator from Alabama is going to offer his amendment should the Blaine amendment be not agreed to. Is not that correct?

Mr. HEFLIN. I did agree with several Senators that the Senator from Wisconsin is entitled to have his amendment voted on, and that I would not offer my amendment as a substitute for his, but that we would have a vote on his amendment, and I would immediately offer my amendment to the appropriation bill if his amendment should be defeated.

Mr. PITTMAN. Then my amendment to the amendment would be in order.

The PRESIDING OFFICER. The RECORD shows that the Senator from Alabama offered his amendment to the amendment and asked for a vote on it, and the yeas and nays were ordered upon that question.

Mr. NORRIS. I ask unanimous consent that the order for the yeas and nays be set aside.

Mr. HEFLIN. I hope that will be done.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PITTMAN. Mr. President, I offer the following amendment, to be inserted at the end of line 9, page 1, of the amendment offered by the Senator from Wisconsin [Mr. BLAINE].

The PRESIDING OFFICER. The clerk will state the amendment.

The Chief Clerk read the amendment, as follows:

Provided, That in case of actual physical attacks upon American citizens or their property, or the immediate danger of such attacks at any time, the forces of the United States may be used by the President for strictly protective purposes without the consent of Congress, and appropriations may be used to pay the expenses of such protective action.

Mr. PITTMAN. Mr. President, that language was read by the Senator from Nebraska [Mr. NORRIS] from a statement that was made by Thomas Jefferson. Thomas Jefferson's statement in full on this subject is as follows:

In the case of actual physical attacks upon American citizens or their property, or the immediate danger of such attacks, the forces of the United States may be used for strictly protective purposes without the consent of Congress, which it is manifestly impossible to obtain in such cases. When, however, any attempt is made to take over the control of territory, to use force for the collection of claims due to American citizens, to interfere with the military operations of foreign troops, or, above all, to interfere between two governments, each claiming to be the legal government of the country, war, perhaps only partial war, but still war, is waged, and this can only be constitutionally done under the authority of Congress.

I am offering the amendment for this reason.

Mr. SIMMONS. Mr. President, the Senator is including in his amendment all of those things which Jefferson said might be done?

Mr. PITTMAN. I am including the first part of it, which states the authority of the President without action by Congress.

Mr. SIMMONS. And not the balance.

Mr. PITTMAN. There is no doubt but that under the Constitution the President has certain authority, and whatever authority he has we can not take away from him by congressional action, either directly or indirectly. If we attempt to interfere with the constitutional authority of the President, if we attempt to place a limitation upon the constitutional authority of the President, the whole limitation is void.

I favor the policy stated in the amendment of the Senator from Wisconsin [Mr. BLAINE]. I do not desire, from my statement that I favor that, to have anyone get the idea that I doubt for one moment the constitutional authority of the President of the United States to use our armed forces to protect the lives and property of our own citizens when they are attacked or when they are in immediate danger of attack.

If we do not, while we are establishing a policy, also recognize the constitutional right of the President we may have the whole limitation declared unconstitutional by the Supreme Court. On the other hand, whether they declared that limitation unconstitutional or not, there is not a Senator in this body who seeks to prevent the proper protection of lives of American citizens, wherever they may be. It seems to me it would be totally improper to state a policy here such as is found in this amendment without also reiterating the constitutional authority and duty of the President of the United States in this particular.

I believe in this statement:

None of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law.

I do not think there is a member of the Foreign Relations Committee who does not believe that is good policy. I think we all agree with that policy, but, on the other hand, assume that in compliance with the intent of this amendment, on a certain date all of the armed forces were withdrawn from Nicaragua, and suppose one week thereafter some of our citizens were attacked by armed forces; would it not be the duty of the President, without hesitation, without coming to Congress immediately to take the available armed forces he could get to go there and repel that attack? If on the date that the armed forces were to come out authentic news came to the President

of the United States that on the next day there was going to be an armed attack against some of our citizens there, would not we want those citizens protected? Of course we would. Unless the amendment carries with it the express pronouncement that while we denounce these acts set forth in paragraph 1 of the resolution of the Senator from Wisconsin, we do not question the constitutional authority of the President, nor do we want to do anything to interfere with that constitutional authority.

I have stated it in language that no one can question; to a great extent in the language of Thomas Jefferson. Strange to say, in that same statement he confirms the statement contained in the very body of the amendment of the Senator from Wisconsin.

I agree to the statement of facts submitted by the chairman of the Committee on Foreign Relations. I agree with the statement of facts submitted by the senior Democratic member of the committee, the Senator from Virginia [Mr. SWANSON]. I agree with them that it would have been far preferable if this matter could have been acted on by the committee in a carefully prepared measure setting out the policy in which Congress believes. As a general thing, I do not approve of this method of attempting hastily to legislate on an appropriation bill by limitation; but the fact is that the legislation is presented, the fact is that the world has been notified that the Congress of the United States is about to act on a policy, the policy is put squarely before us, and the question is, if we vote down this amendment, will not the rest of the world have a right to believe that we, the Congress of the United States, or at least the Senate of the United States, believe in the imperialistic policy that we are charged with throughout the world?

It is the effect of it that must be met now. I believe we could just as well wait until December, as the Senator from Virginia has said, so far as the physical effect of it is concerned. We could act—bring the marines out in January—just as well in December as now. But that is not the question. There are put up to us the questions: Do we favor intervention in the domestic affairs of other countries? Do we favor belligerent intervention in the affairs of other countries? Those questions have got to be answered, and answered now. I could not vote on this question and vote nay, because I favor every policy set out in the amendment. I would not dare attempt to avoid it; but I could not vote for the amendment if it were subject to any construction whatever to the effect that we were attempting to interfere with the constitutional powers of the President to protect our citizens or that we do not believe it is his duty to protect our citizens. For that reason I have offered the amendment to the amendment of the Senator from Wisconsin.

Mr. BORAH. Mr. President, may I ask the Senator offering the original amendment whether it will be agreeable to him to have the date of the original proposition fixed at not earlier than the 1st of January? The new officials should take office the 1st day of January, 1929, and it would seem to me that that would be better—to fix a date later than January 1.

Mr. McKELLAR. The 1st of February would be satisfactory.

Mr. BORAH. It would give the new government an opportunity to get itself established and in control of the machinery of government.

Mr. BLAINE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. PITTMAN. I yield.

Mr. BLAINE. The suggestion of the Senator from Idaho, as I understand it, is to advance the date upon which the marines shall leave Nicaragua, on the theory that the inauguration of the President elect of Nicaragua will be on the 1st of January. I think I made myself clear on the proposition. I realize that we are in Nicaragua, and I am not going to discuss that question again. My statement in the course of the debate I desire to stand as I addressed myself to it at that time.

The suggestion of the Senator from Idaho as made is perfectly reasonable, but I would go a little further than that under the circumstances. After the inauguration of the President elect on January 1 I appreciate that there are certain physical obstacles to be overcome, certain movements that must be made to get the marines out of Nicaragua. I have no desire to embarrass the President or the administration. I have no desire to interfere with the orderly process of evacuating the territory of that Republic. I therefore would ask permission to modify the amendment by changing the date from December 25, 1928, to February 1, 1929.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. PITTMAN. Does the Senator approve of the amendment I have offered?

Mr. BLAINE. I listened with a great deal of interest to the Senator from Nevada. When my mind was turned to the undertaking of proposing some proper limitation upon the use of the funds to be appropriated by the bill under consideration, I had in mind writing as nearly as possible the declaration made by Thomas Jefferson. So with the view that the modification suggested by the Senator from Nevada is interpreted according to the language, statesmanship, patriotism, and loyalty of Thomas Jefferson to this Republic as operated democratically, and his adherence to policies of democracy that ought to control in the administration of the affairs of this Republic, I want to say that with that suggestion and the interpretation which no doubt will be placed upon it as an interpretation announced in the declaration of Thomas Jefferson, I will accept the amendment offered by the Senator from Nevada.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. JOHNSON. There are many of us who are very deeply interested in the amendment, although we have had nothing to say concerning it at all—interested from every standpoint. May I ask, because of the very important amendment which has just been presented by the Senator from Nevada, that this matter rest until to-morrow in order that we may consider the original amendment and the amendment now offered, and determine then the course we would like to pursue?

Mr. HEFLIN. Mr. President, I hope that will be done.

Mr. CURTIS. I am going to ask that the amendment, with the changes, be printed to-night so that we may have it before us in the morning.

Mr. BORAH. In order that we may have the question for consideration in the morning, may we have the amendment read now as it will be printed in the morning, so that we may have an opportunity to think about it over night?

The PRESIDING OFFICER. The clerk will read the proposed amendment.

The CHIEF CLERK. The Senator from Wisconsin [Mr. BLAINE] offers an amendment which as modified now reads:

On page 53, after line 17, insert the following:

"Provided, That after February 1, 1929, none of the appropriations made in this act shall be used to pay any expenses incurred in connection with acts of hostility against a friendly foreign nation, or any belligerent intervention in the affairs of a foreign nation, or any intervention in the domestic affairs of any foreign nation, unless war has been declared by Congress or unless a state of war actually exists under recognized principles of international law: *Provided*, That in case of actual physical attacks upon American citizens or their property, or the immediate danger of such attacks at any time, the forces of the United States may be used by the President for strictly protective purposes without the consent of Congress, and the appropriations may be used to pay the expenses of such protective action.

"The words, 'acts of hostility,' and the words 'belligerent intervention,' shall include within their meaning the employment of coercion or force in the collection of any pecuniary claim or any claim or right to any grant or concession for or on behalf of any private citizen, co-partnership or corporation of the United States against the government of a foreign nation, either upon the initiation of the Government of the United States or upon the invitation of any foreign government existing *de jure* or *de facto*."

Mr. BORAH. Mr. President, may I suggest to the Senator from Nevada that it seems to me his amendment ought to read that this provision shall not apply to such instances as he names there, rather than saying that in such instances the President is authorized to do thus and so. It would seem that we were taking the position that the President would not have the authority unless we authorize him to do it. The Senator from Nevada takes the position, and correctly, that he has that authority, and we can not take it away from him. The amendment should read, it seems to me, that this should not apply to instances in which property or lives are threatened or actually assailed, as it now reads, but not making it affirmative authority to do it. The President has that authority under the Constitution and we can not take it away from him.

Mr. PITTMAN. I realize that, and the only reason why I worded it in this way was that it was so much simpler to use the exact language by putting it in that way than to attempt to paraphrase the language. I realize the force of the suggestion made by the Senator from Idaho and by to-morrow morning we will have an opportunity to make such changes as may be necessary or desirable.

Mr. WHEELER. Mr. President, are we to understand that with the amendment of the Senator from Nevada the Senator from Idaho would then favor the amendment?

Mr. BORAH. As I have said, Mr. President, to several Senators who have inquired, I do not see any objection to it

at this time, but I should like to have the opportunity to think it over. As I construe the amendment now, it is the Constitution of the United States and international law.

Mr. WHEELER. I should like also to ask the Senator from Virginia [Mr. SWANSON] whether or not he has any objection to the amendment as it is now framed?

Mr. SWANSON. While I think it wiser to wait until December to settle this matter, as I have said, yet if the Senator from Idaho believes the amendment is wise—and he has studied the question more than I have—I shall raise no objection to it, in view of the declaration which it embodies, which seems to me to be in accord with well-established principles.

Mr. BORAH. Mr. President, the appropriation bill is not in my charge and neither is the amendment—I am merely expressing my individual view—but, as I construe the amendment hurriedly, it is an elucidation of the Constitution of the United States and international law with reference to the condition now existing.

Mr. SWANSON. Rather than have debate and worry and delay, if the amendment reiterates the law as it is, while I do not think it is wise to put it on an appropriation bill, I will interpose no objection. I have no desire to fight a thing which is a reiteration of the law as it is.

Mr. EDGE. Mr. President, does the Senator from Idaho believe that even in reiterating known principles it is necessary to limit to an arbitrary date through appropriations the time when the President can use his best judgment in his admitted responsibility of protecting American lives and property in any country in the world?

Mr. BORAH. Mr. President, there is no limit in this amendment, either as to date or authority as to the power of the President to protect American life and property in foreign nations. There is no limit either in time or in language as to that.

Mr. SWANSON. As I understand from the Senator, if this amendment is adopted, it will impose no restriction on the power of the President within international law and his constitutional authority. In view of that, and feeling that there has not been done in Nicaragua exactly what should have been done, I do not see how I could interpose any objection to it, and consequently I accept the amendment.

Mr. EDGE. I ask the Senator from Virginia, following his own line of reasoning, why should there be any particular date when an appropriation shall cease to be available?

Mr. SWANSON. The Senator from Idaho has examined the question more thoroughly than have I. I have some doubt as to whether we ought not to wait until December, but I am willing to have the amendment now suggested adopted and accepted, so far as I am concerned.

Mr. BORAH. There is no limitation as to the power of the President to do those things that he has a right to do. He is not limited in his right to protect life and property and should not be.

Mr. SWANSON. I think the President ought to be restrained from doing illegal things. All this amendment does is to restrain him within the Constitution and to prevent any illegal actions. He has authority now to do what may be necessary to protect American lives and property. The election in Nicaragua, I think, is the most important consideration of all, for, in my opinion, there will not be peace in Nicaragua until there has been an election and the Liberals have been given an honest opportunity to register their choice, as we agreed they should do. I have no objection to restricting a Republican President from the 1st of February until the 4th of March.

Mr. EDGE. I should like to have the Senator's view as to the necessity of naming an arbitrary date. That must mean something. Before that date he can use a certain appropriation for this purpose, while after that date, apparently, he can not do so. Who is to decide?

Mr. BORAH. If the President be consulted, it will be found that he contends that he is not going beyond his constitutional powers. It is his contention and the contention of the administration that he is in Nicaragua protecting life and property; that he is not exercising any unconstitutional power. That is his contention and that is the viewpoint of the administration. So, as a matter of fact, as the amendment is drawn it does not limit the President at all, either in time or authority, as to doing those things which he has the power to do and which the President claims he is doing. There are others who think that he has gone beyond his constitutional authority; but, so far as this amendment is concerned, it would not limit any power that he now has under the Constitution.

Mr. EDGE. But am I not correct in the assertion that it would limit the expenditure of any of the money appropriated for the marines to send them to any foreign country if, in his

judgment, at that time American lives and property were in jeopardy?

Mr. BORAH. No; it would not limit him at all in that respect.

Mr. EDGE. The amendment refers to interfering with the domestic affairs of other countries.

Mr. BORAH. Yes; but it is a well-established principle of international law that the sending of marines into a foreign country for the purpose of protecting life is not intervention; it is not an act of war; it is not interfering with domestic affairs. That is a well-established principle. If the President goes beyond that and commits an act of hostility, if he seeks with the marines to interfere in domestic affairs, he is doing something which he ought not to do without the authority of Congress.

Mr. BRATTON. Mr. President, will the Senator from Idaho yield to me for a moment?

Mr. BORAH. I yield the floor, unless the Senator wants to ask a question.

Mr. BRATTON. The Senator from Idaho has developed a thought that had occurred to me in connection with the amendment which the Senator from Nevada [Mr. PITTMAN] now proposes. If sending marines into Nicaragua for the protection of American citizens is not an act of "hostility against a friendly nation," if it is not "belligerent intervention in the affairs of a foreign nation," and if it is not unlawful "intervention in the domestic affairs of a foreign nation," what force and what vitality would the amendment have? If the marines have been sent there to protect the lives and property of American citizens, as the President had the right to do, then he has not transgressed any of the provisions of the amendment proposed by the Senator from Wisconsin, but he has kept within the law. If that be true, I do not see what is to be accomplished by adopting the amendment proposed by the Senator from Nevada, because it will be said by those who uphold the views entertained by the President that he has not committed any of the acts denounced in the amendment of the Senator from Wisconsin, but that he has kept within his rights, as declared in the amendment proposed by the Senator from Nevada; that is, that he sent the marines there originally and is retaining them there now to protect the lives and property of American nationals, and consequently has not committed any "act of hostility against a friendly foreign nation" or of "belligerent intervention in the affairs of a foreign nation" or of "intervention in the domestic affairs of any foreign nation," but has proceeded squarely within the terms of the amendment proposed by the Senator from Nevada.

Mr. BORAH. Mr. President, of course it is the contention of the administration that it has acted within its authority under the Constitution, but we must take into consideration that the author of the resolution and others think that the President has not done so; that he has committed belligerent acts; that he has interfered with the domestic concerns of the Government of Nicaragua.

Mr. BRATTON. Then, let me ask the Senator from Idaho another question.

Mr. BORAH. I agree with the proposition that the President ought not to have the approval of Congress, either expressed or implied, to commit belligerent acts against a friendly nation and interfere illegally with the domestic affairs of a foreign nation, but we ought to bear in mind that the protection of life and property in a foreign country is not in violation of international law.

Mr. BRATTON. Exactly.

Mr. BORAH. It is expressly sanctioned by international law, and it has been held not to be an act of war because of which a nation could take offense. Therefore it seems to me that under the amendment of the Senator from Nevada the President is authorized to do all that he has a right to do under the Constitution and under international law.

Mr. BRATTON. Let me express my inquiry in this way: Suppose the present conditions continue until this appropriation bill becomes effective, who is going to determine whether the continuance of the marines in Nicaragua does constitute an "act of hostility against a friendly foreign nation," or does constitute "belligerent intervention in the affairs of a foreign nation," to wit, Nicaragua, or does constitute "intervention in the domestic affairs" of that country, or whether his actions and conduct merely constitute activities to protect the lives and property of American nationals? Whether the money can be expended under this appropriation law will depend upon which status obtains. If the President is protecting life and property, the money should rightfully be expended to defray the expenses incurred. If the retention of the marines in Nicaragua

constitutes a violation of the prohibitions set forth in the amendment proposed by the Senator from Wisconsin, payment should be withheld. In order that we may avoid doing a vain and useless thing, we should make certain that the money appropriated in this act will not be expended except under circumstances of which we approve.

Mr. BORAH. Mr. President, my objection is—

Mr. HEFLIN. Mr. President, before the Senator from Idaho answers that question, I desire to say that the Senator from New Mexico [Mr. BRATTON] has raised a very interesting question. It is going to lead to a good deal of discussion, and I think we had better let it go over until to-morrow.

Mr. PITTMAN. Mr. President, before that happens, at least let me perfect the amendment in accordance with the suggestion of the Senator from Idaho and the Senator from Wisconsin. As perfected the amendment will read:

Provided, That such limitation shall not apply in case of actual physical attacks upon American citizens or their property, or the immediate danger of such attacks at any time; the forces of the United States may be used by the President for strictly protective purposes without the consent of Congress, and appropriations may be used to pay the expenses of such protective action.

Does the Senator from Wisconsin accept the amendment as I have now modified it?

Mr. BLAINE. I accept the amendment as modified.

Mr. CURTIS. I ask unanimous consent that the amendment of the Senator from Nevada [Mr. PITTMAN], as modified, be printed so that we shall have it in its perfected form.

The VICE PRESIDENT. Without objection, it is so ordered.

THE PROPOSED NICARAGUAN CANAL

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me by A. Guyot Cameron, of Princeton, N. J., relative to the proposed Nicaraguan canal, and also an article published in the National Financial News of New York City, prepared by Mr. Cameron, entitled "America's opportunity in Nicaragua."

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PRINCETON, N. J., April 22, 1928.

HON. KENNETH MCKELLAR,

United States Senate.

MY DEAR SENATOR MCKELLAR: If before this I have not expressed my great appreciation of your so courteous and immediate letter, this has been by unwillingness, while awaiting the arrival of the CONGRESSIONAL RECORD, containing your speech as to the Nicaragua canal, which you were good enough to send and which arrived yesterday afternoon, to trouble you twice with my thanks.

Permit me to offer my congratulations upon your so able treatment of the fundamentals involved, and urging, in the question of the Nicaragua canal. It is an amazing thing that, in view of the proven protection and profits of the Panama Canal, of the practical solution offered by the Nicaraguan project on its economic side, for the political aspect of Latin-American relations, as you have so ably indicated; and of the value in every way inherent in the Nicaragua canal, for this country and internationally, that ignorance or indifference or antagonistic interests, should obscure or delay construction of the Nicaragua canal.

I am hoping that opportunity may arise, by your reopening of the subject, to further proper conception by the people of the United States of the vital importance of the matter, particularly for ourselves, but not in selfish sense.

You may permit me to inclose a reprint of my articles on this question, which appeared in the National Financial News. This paper was taken over in 1926 by the Magazine of Wall Street. Of my statements Doctor Jenks, then just returned from Nicaragua, wrote to me, among other things: "You have given me considerable information in the articles that I did not have before." And Consul General Toribio Tijerino, of Nicaragua, in a long and very delightful communication, declared: "I have read many articles about Nicaragua published in the United States, but none has been as accurate, nor shows the careful study of the matter as yours."

I have not had the long-desired privilege of seeing Nicaragua, but I have long done what I could toward realization of the canal. This effort has had fairly wide echo in Latin America. I am hopeful that your awakening of public attention to not merely the necessity but the duty of the United States in this great matter, may give the momentum to our patriotic opportunity. I trust that, interested as you are in our Latin-American contacts, the copies of the Financial Forum may have reached you.

With great appreciation, I have the honor to be, Senator,

Very truly yours,

A. GUYOT CAMERON.

[From the National Financial News, New York]

AMERICA'S OPPORTUNITY IN NICARAGUA

By A. Guyot Cameron, foreign affairs editor

Professor Cameron's appointment as foreign affairs editor of the National Financial News means that all Americans who read his articles will get a new vision of conditions abroad. The importance of foreign business to citizens of this country is emphasized by the comment of the New York Evening Post on May 13: "One billion American dollars were sent abroad for investment during 1924. This raises the amount of American holdings in other countries to a total of more than \$9,000,000,000; before the war the figure was about \$2,000,000,000."

"This is the sense in which the United States, as Secretary Hoover says in the third annual report of the Department of Commerce, 'is now the world's greatest investor.' No other country during the last year increased its foreign holdings by \$1,000,000,000; no other country during the last decade has increased its foreign holdings by \$7,000,000,000."

"These statistics indicate a vast change in the economic and financial situation of the world. The United States has taken its place securely among the great creditor nations. As time goes on the power that comes from this status will unquestionably increase."

"We need to understand the peoples of South America better. Few of us really know how to judge them. Their countries offer splendid industrial and other opportunities. It is important that when we send men to represent us in South America they shall be the type to understand the people." (Sir Herbert S. Holt.)

"European stabilization will bring about a revival in world trade and increased consumption of commodities in which the United States is bound to have its share." (Herbert Hoover.)

"There exists in the New World a state as admirably situated as Constantinople, and we must say up to this time as uselessly occupied. We allude to the state of Nicaragua. As Constantinople is the center of the ancient world so is the town of León the center of the new, and if the tongue of land which separates the two lakes from the Pacific Ocean were cut through, she would command by virtue of her central position the entire coast of North and South America. The state of Nicaragua can become, better than Constantinople, the necessary route of the great commerce of the world, and is destined to attain an extraordinary degree of prosperity and grandeur."

The man who wrote that, with balanced judgment and yet with fiery enthusiasm, was Napoleon III. That the splendors of the Second Empire, during which Paris was not only what it has remained—the playground of the world—but the leader in things artistic, in civic expansions, and in many economic matters, fell, does not change the value of political perspective in the emperor. In spite of attack, in a relatively recent book, of Philip Guedalla, the breadth of political view of Napoleon III remains. We may add, he was a tactician, a diplomat, a brave man, and, had the Franco-Prussian war not occurred, he would have accepted the "Liberal Empire," which would have saved his dynasty.

WAS FRANCE RIGHT?

But that is not the point. Was France right as to Panama? It was. And no technical nor financial mistakes alter the tremendous debt due France for Panama inception which eventually hastened United States actions. Was Napoleon right and, is he yet, as to Nicaragua? There can be no question of it with proper conception of the conditions and of the facts.

The mistake of Napoleon was not as to Nicaragua but as to violating the political testament of Cardinal Richelieu in the matter of political conjunction with the House of Austria. It was renewing error as in the case of Marie Antoinette, lovely and vicarious victim of history. It was perpetuating fault by the case of Marie Louise, the second wife of Napoleon I. It was repeating blunder by the backing of Maximilian in Mexico. Richelieu was right. And so was Napoleon III, as have been many others, in the matter of Nicaragua. It makes no difference that his purpose was the extension of the territory of Maximilian to include the boundaries of Nicaragua within the then empire of Mexico.

It is a peculiar coincidence that the area of Nicaragua is 49,200 square miles and that the area of New York State is 49,204 square miles. The latter is already passing into history as the Empire State. The former is the gateway of an economic empire.

Why did the United States build the Panama Canal instead of constructing the Nicaragua route? For two causes, one due to our national psychology, the other, for obvious pecuniary reasons. We are the speed Nation. Panama was apparently a quicker proposition. We are a keen financial Nation. The Yankee bargain appeals to us. Without here discussing why, France was willing to sell to us her Panama concession for the small sum of \$40,000,000, giving us a free hand and vast materials, much of which, for many reasons, we could not utilize. And back of both these propositions were the energy and the political foresight of Theodore Roosevelt. Let us imagine the World War without the Panama Canal!

We did this, although after years of engineering reports, Government estimates, and political discussions, not to say partisan ones, the United States had reached the decision for the Nicaragua route. Whatever reasons held good for this choice, after long oppositions and indecisions; whatever forcible arguments were adduced until the final and favorable passing of the Nicaragua canal bill, remain valid until this day, in so far as they are inherently valuable. It is not at all a question as to what interests may or not be pleased with the reopening of the Nicaragua canal matter. It is a question of patriotism and of potential for the United States.

"WE HAVE PANAMA"

We need the Nicaragua canal for the fulfilling of national opportunity and of international duty. We had our lesson—and a World War soon thereafter proved the danger in this—and we even had our fear at the possible control by a foreign power of an all-American isthmian canal. We have no moral right, under a Monroe doctrine cooperation, to play the dog in the manger act and to estop the building of a Nicaraguan canal for which Central America waits, as it has long waited, and which international trade approaches the day of needing. Again, it is not a question of conflict but of commerce and of communications of every sort. It is not a matter merely of military aspect. That phase certainly does exist. But this country must think of economic preparedness in numberless ways. A telegraph or cable company is not insured for its business opportunity without at least duplicate or triplicate lines. A single-track railroad is under constant possibility of interruption of service. "We have Panama." Yes; but that is just the point: What of possible delay or destruction?

The Nicaragua canal remains a paramount issue, largely unknown by this generation, which has forgotten or has never gauged the idea and the importance of the subject. It is paramount by its practicality; by its economic potential, and by its favorable political aspect. But whether a matter of politics or of trade development, the issues connected with a Nicaraguan isthmian canal are as closely linked with this country as they have ever been in times previous to this one.

BATTLE GROUND FOR CENTURIES

It is worth while to consider a few things. What has made Nicaragua for centuries a battle ground? Appreciation of the seal set by nature upon its pivotal world position. Here is, and in simplest form, the topographical key to world oceanic intercommunication. To obtain possession of this key many nations have striven, with or without the permission of their governments. We are apt to blame our political brethren of the Spanish republics to our south for more or less political instabilities. But in Central America almost every one of these may be traced to the struggle, either open or concealed, of powerful nations appreciating that the narrow neck of land near the slim Isthmus of Nicaragua meant a world cross road of the sea and that whether for colonial power or for strategic position or ultimately for trade expansion, Nicaragua was a dominating center, military or material, for world connections.

So even after Nicaragua became Spanish colony there was continual war with England, France, and Holland. Besides this, the pirates and the privateers of these three countries and mixed piratical crews devastated and distressed Nicaragua with frightful detriment to people and to products and to politics. In addition there were the struggles against the Indians, or with them against a common enemy. And terrific internecine and interstate warfare.

There has been no more pathetic situation in economic-political history than the 100 years appeal of the isthmus for interest, cooperation in development, and trade sympathy of the United States toward Nicaragua. Disregarding the surges of anti-American or pro-American feeling that were often the political slogans of the "ins" or the "outs" there has been steady hope that the big brother of the North would see clear the opportunity for him and for the isthmus in the cutting of the waterway that would mean such tremendous help in international relations. An extraordinary gauge of this spirit is seen in the fact that Salvador, even a century ago, asked for annexation to the United States. This was to rescue it from its temporary incorporation in 1822-23, with the other Central American States, into the Mexican Empire of Iturbide.

It is declaring ignorance of United States history to consider our contacts with Nicaragua as something foreign to our policies and to our progress. On the contrary, our relations have long been extremely a matter close and in common. Run over these relations. These relations have been of two kinds, political and engineering.

THE FEDERAL UNION

In 1821 Nicaragua, Guatemala, Honduras, Salvador, and Costa Rica declared their independence of Spain, an independence not acknowledged by Spain until 1850. In 1823 came the Federal Union of the five Central American states, lasting until 1839, and, in spite of secedings and wars, repeatedly renewed, with undoubted ultimate acceptance by the five states. From 1858 to 1893 Nicaragua enjoyed under extremely able presidents, the longest period of peace known in Central American history. Since 1893 the United States have kept friendly eye upon Nicaraguan complications.

But already in 1825 the Republic of the Centre, considering applications from British and United States citizens for canal concessions, made overtures to the United States through the United States Senate and asked their cooperation in the building of a canal. In 1826 a company of New York capitalists was formed, including De Witt Clinton, and made contracts for canal purposes but did not have enough capital to pursue its plans.

Acquisition of California after 1848 settled future canal construction. In 1850 United States engineers surveyed the Nicaragua route. From 1870 to 1875 repeated United States Navy expeditions considered all projected isthmian routes. In 1876 a United States commission advised that the Nicaragua route possessed greater advantages and offered fewer difficulties than any other route and plan proposed.

CLAYTON-BULWER TREATY

By treaty with New Granada (Colombia) in 1846; with Great Britain in 1850 through the Clayton-Bulwer treaty renewed in 1901; and with Nicaragua in 1867, we had guaranteed the neutrality of either Panama or Nicaragua Canal. In 1884 came the Frelinghuysen-Zavala treaty with Nicaragua by which we would build the canal without cost to Nicaragua, and after its completion the two countries would together own and manage it.

This treaty, receiving in 1885 in the United States Senate 32 votes but with 23 votes against it and thus failing of two-thirds ratification (as had failed a similar treaty in 1848), did not pass, and change of administration hampered its reconsideration. Yet in 1886 the Nicaragua Canal Association was formed privately with concessions in 1887 and 1888 from Nicaragua and Costa Rica, respectively. Under authority of Congress, the Maritime Canal Co. was formed in 1889, and until the panic of 1893 forced it to the wall it spent \$4,500,000 in work, which included a railroad of 11 miles back from Greytown (now San Juan del Norte). In 1895 and in 1897 Congress appointed new boards of engineers (the Walker Commission under President McKinley in 1897) to report.

Then came in quick succession the Spanish war in 1898; the revelation of the need of an isthmian canal immediately, but in 1900 the triumph of the Nicaraguan route in the report of the commission for Nicaragua, which declared "the commission is of the opinion that 'the most practicable and feasible route for' an isthmian canal to be 'under the control, management, and ownership of the United States,' is that known as the Nicaragua route."

In January, 1902, the French Panama Co. offered to sell. The Nicaragua Commission reversed its report. Just previously to this the Hepburn bill authorizing the Nicaragua Canal at a cost of \$180,000,000 had passed the House of Representatives by a large majority. The Spooner amendment in the Senate allowed presidential purchase of the Panama concession and plant and agreement with Colombia. And thus the Panama Canal was built.

Yet the United States Senate on February 18, 1916, by a vote of 55 to 18, ratified the treaty with Nicaragua, which gave to us perpetual right of way along the San Juan River and Lake Nicaragua and naval bases in Fonseca Bay and at Corn Islands for 99 years, all this for the modest sum of \$3,000,000 gold. By the Chamorro-Bryan treaty.

But the work of our so able minister of the fifties, Squier, and of our engineers like Menocal, is far from over. Nicaragua remains as potential as ever. World development calls more loudly for Nicaraguan facilities than previously. This, apart from economic reasons to be seen later. Nature has not changed its obvious physical advantages because of the Spanish war.

FRESH-WATER LAKES

Nicaragua has two great fresh-water lakes. Lake Nicaragua is 92 miles long by 34 wide with an area of 3,000 square miles, a depth at maximum of over 200 feet, a surface above sea level of about 110 feet, the largest fresh-water sheet between Lake Michigan and the South American Lake Titicaca. The continental divide is approximately 180 feet above sea level. Distance across the isthmus in a straight line is 156 miles. Connected by the Tipitapa River with Lake Nicaragua is Lake Managua, 32 miles long and 16 miles wide, with 512 square miles. From Lake Nicaragua flows the San Juan River, navigable 120 of its 140 miles. The distance from the lake to the principal mouth of the San Juan River is 95 miles with an average width of channel of 1,500 feet. A short-cut canal from Lake Nicaragua to Brito on the Pacific side and the canal from Atlantic to Pacific is complete. This would mean, say 100 miles of San Juan River navigation; 70 miles across Lake Nicaragua; and with the Las Lajas and Rio Grande Rivers, 17 miles to Brito, a total of 187 miles from coast to coast. This canal must be a lock canal, a sea-level canal not being feasible, as it could be at Panama.

Time for the construction was estimated at 10 years. Cost was set at \$200,540,000. This would be \$300,000,000 at present.

Why build the Nicaragua canal? Among other reasons because, while it was calculated that an average vessel could pass through the Panama Canal in 12 hours, but through the Nicaragua canal, by greater distance, 33 hours, yet the distance from New York to San Francisco through the Nicaragua canal would be 377 miles less than by Panama; from New Orleans to San Francisco, 579 miles less, and

from Liverpool to San Francisco, 386 miles less. The profits in shortened route need no discussion, even allowing for extra time in canal transit and for increased maintenance of a longer canal route.

THE NICARAGUAN CANAL

Many reasons urge patriotic reconsideration of undeveloped opportunity in the matter of the Nicaraguan canal. Nicaragua has just honored the United States and one of our great international economists, Prof. Jeremiah W. Jenks, by asking him to take part in the revision of the banking laws of Nicaragua. His report to the President of Nicaragua, in which Ralph N. Elliott has collaborated, has just been presented. As part of the future are involved the possibilities of Nicaraguan national conditions to a great degree. By canal across the isthmus! With this would come railway and highway construction and port improvements.

Nicaragua itself must look outside for the financial force to start and continue these great possibilities which affect international conditions to a great degree. By the plans of Professor Jenks much can be done in short time and at comparatively small cost. Reviving past engineering and improving it by present feasibility these international factors could be and should be set at work. The United States Government, as Professor Jenks points out, must be sounded as to its continued or revivable interest. Shipping companies should equally become interested in the economic factors for them. Nicaragua and Costa Rica by concessions can help their own interests. The Governments of the United States, Costa Rica, and Nicaragua could cooperate, with settlement of mutual rights. Nicaragua could have the port dues and divide these with Costa Rica.

SAN JUAN RIVER

Professor Jenks has also proposed the improvement of the San Juan River. Such improvement would include a port development, to cost \$2,000,000, at San Juan del Norte, on the Atlantic coast; draft for 20-foot ocean-going ships (there is a dangerous bar at the Caribbean shore). Our Government, should it ultimately decide upon canal construction, would find two years saved, as these port developments would amply carry on initial canal construction and give communication through the San Juan improvement as well, the Government then taking over the work of the private company that might initiate it.

The river, with the Colorado, whose main mouth belongs to Costa Rica, forms an extremely fertile delta—probably the best banana country in the world. By proper wing dams, the estuaries could be made available for vessels of the "lighter" or the Mississippi River type. Bananas could thus be delivered at 15 to 20 cents less a bunch than off the Atlantic Rio Grande. Clearing of the silt would cost another \$2,000,000. Development of the upper San Juan River, with wing dams, control of the rapids and shallows, dredging, and channel for a draft of 5 feet, would cost \$1,000,000.

From Granada at the head of Lake Nicaragua to San Juan del Norte (the former Greytown) \$5,000,000 would develop, with only one transshipment, the distribution of the products of an extraordinary country. And it would take this small sum—five millions—and only three or four years of time to do a great work and one which would prepare admirably for the future construction of a possible interoceanic canal.

PART II

There are a few striking scenes in all-American history when the man of the west from Europe met the man of the Asian East in the still farther west for friendly pow-wow to have enormous consequences. There is Peter Minuit purchasing for \$24 Manhattan Island. There is William Penn under the tree, ratifying treaty and trade with his Indian admirers. And there is Gil Gonzalez de Avila or Davila exploring in 1522, on his trip started in Panama in 1519, the country discovered by Columbus on his fourth and last voyage when he landed December 12, 1502, on the cape which he christened Gracias a Dios—thanks to God—to this day, Davila, received in most friendly fashion by Nicario or Nicaras or Nicaragua, a powerful chief of the Cholotee tribe, who was baptized into the Roman Catholic Church with his followers, and who gave his name, whether or not be included in it the Spanish word agua, water, to the country of international importance known as Nicaragua.

ECONOMIC NICARAGUA

Economic potential in Nicaragua lies in its exportable values of coffee, sugar, and cacao and its transfer from domestic production to world quantity of its corn production. Corn now means meat. Meat is cattle. Were Nicaragua to develop its corn possibility it would rival our Mississippi Valley as a world corn producer, which, says our Government through the Pan American Union, would result in making "Nicaragua one of the richest agricultural sections in the world." But cattle mean varied by-products. Nicaragua can become a world distributor in these respects. As cattle for export purposes demands steady supply, scientific care, and feeding, there must be "tame" pasture and grain feeding, in other terms, alfalfa and corn. Nicaragua is one of the great natural opportunities, and with low-priced public lands, for cattle raising.

So for sugar. So for cacao. The World War gave permanent and tremendous impetus to the use and the appreciation, especially by the United States, of the dietetic value of chocolate. What man who went

"over there" will ever forget what chocolate and cacao meant! The Tropics have a natural monopoly of cacao production and Nicaragua is a cacao country by physical birthright.

So, again, for ever-growing world demand for bananas. So for coconuts, well called, with the date palm of the East, "one of the two most valuable food trees known to man." So for coffee, representing, for some years past, about one-third the value of Nicaraguan exports. So for cabinet woods, not merely a matter of furniture, but, with airplane development to sweep the skies and the commercial world, the use of mahogany and other woods.

And in addition to corn, cane, cacao, coffee, cabinet woods, many other products and mining. Nicaragua is a country of gold and silver. Of much gold.

CAPITAL AND CANAL

Here, then, is opportunity for the United States. Nicaragua needs money, modern methods, machinery, and men. It is perfectly true that other countries need these also. But other countries do not have the possibility of such an isthmian canal which alone would entail the development of vast resources lying latent.

Question of such a canal, however, must face greatest opposition. What are the main factors in such opposition? The Panama Canal, the railroads of the United States, and perhaps the power of finance. Accepting, as was shown in a previous article, the fact that physical configuration sets a premium upon engineering development of the Nicaraguan canal and that successive generations of United States Government surveys and commissions have emphasized the superiorities of that trade route for a canal, what other obstacles are in the path of proceeding to construction of the Nicaraguan canal?

We have, first, the status of the Panama Canal. If the Panama Canal does not pay and the United States Government, besides the necessary military and naval expenditures thereat, which can not justly be charged to the canal, must provide interest on the bonds of the canal and the vast upkeep, the United States taxpayer must be responsible in taxes for financing the deficit.

But what sane man will question the value of even such a deficit in view of the enormous insurance of speed, of safety, and of commercial possibilities opened to us by construction and control of the Panama Canal? Our Latin-American trade growth because of the canal has already amply repaid our effort for patriotic advantages and for world commercial benefits.

But besides these reasons there is the future. The Panama Canal will some day—not physically but commercially—overflow its banks and prove unable to handle the world trade desiring to pass through it. Then, what? One may multiply locks—and there is always the possibility at enormous expense of a sea-level canal at Panama, as it should be, but the water will be lacking to fill the locks. Let us face the truth and at once.

RAILROAD FEELING

Secondly, there is railroad opposition to be considered. We know the story of the sufferings of the railroads: Ignorant hostile legislation; provincial and picayune pursuit by demagogic politicians; lack of economic conceptions dictating policies antagonistic to the railroads; labor maladjustments; Government war controls and their sequences; disorganized relations of various kinds; vast increase of expenses under every head of charges—and Panama competition. Who could blame the railroads for not desiring additional competitive canal action in a new canal?

Yet the railroads are pushing out to meet a canal, whether they wish it or not. The Southern Pacific Railroad has only 30 miles to go of its great 100-mile link, which will give access of over 1,000 miles, with the National Railways of Mexico, from Los Angeles to Mexico City, a superb span that will bind our wide agricultural Northwest, and, in fact, the whole country, with the renewed development, after revolution, of magnificent Mexico, a construction project well termed by Julius Kruttschnitt: "An epochal event in the relations between this country and its southern neighbors."

What is more, the Government of Mexico, in lately renewing the charter of this extension, authorized the Southern Pacific to construct its own lines through to Mexico City. As, under liberal Mexican law, any operating railroad is entitled to demand the joint use of connecting roads for through traffic, the Southern Pacific for the present will take advantage of this opportunity. Next year will see the opening of the road after an engineering feat of about 15 miles of boring through mountain spurs and table-lands, qualified as "terrifically difficult," and will make practical a broad international and patriotic conception.

So the Missouri Pacific Railway, competing for Mexican trade, goes down through San Antonio and Laredo into an already great business. It is the "Dream of Harriman" and the "Goal of the Goulds" for a transcontinental railroad, turned into an international and an intercontinental railroad.

And when the intercontinental railroad is put through from New York to Buenos Aires the National Railway of Nicaragua will furnish its share of mileage by its route from Corinto to Granada.

VOLCANOE

A further reason advanced against the Nicaragua Canal is the volcanic character of the western section of the country. History has recorded there some tremendous eruptions. One can but admire Nicaragua for setting upon the seal of its country a line of volcanoes of which it need not be ashamed, dominated by the fiery cap of liberty for which the country so long strove. Answer is found in the reports of our Government which did not hesitate to choose Nicaragua for a canal route, volcanoes or not.

COMMUNICATIONS

Nicaraguan development has been hampered by lack of means of communication. Until a few years ago almost literally east was east and west was west and little the twain did meet. For any one from Colon in Panama or Port Limon in Costa Rica to reach Bluefields (named after Bliveveldt, the Dutch corsair), it was necessary to travel 1,300–1,400 miles to New Orleans and then to return over the Gulf of Mexico and the Caribbean Sea—five or six days each way—to cover a distance of 275 or 125 miles. Roads were few and in rainy season practically impassable. To add to complications, there was one tariff for the east and another for the west coast, with the discord that this produced.

With a population of less than 700,000, seven-eighths of it Indian in origin and with, therefore, the contributory stability of the Indian, one-third distributed in the cities and two-thirds rural and some 80 per cent in the western part of the country; with a Caribbean coast line of about 300 miles and a Pacific coast of 200 miles; the Nicaraguan frontier with Honduras extending for 300 miles and with Costa Rica for 125 miles, there are only about 600 miles of highways, supplemented by quite extensive river and lake transportation.

The National Railroad of Nicaragua, the Pacific Railway, owned by the Government, runs from Corinto on the Pacific to several cities of the western portion of Nicaragua. It was built in sections, from 1878 to 1903, and has a mileage of 157 miles. Built and operated until 1905 by the Government, then leased to a private syndicate which returned it in 1909; in March, 1912, Messrs. Brown Bros. & Co. and Messrs. J. & W. Seligman & Co. formed the Ferrocarril del Pacifico de Nicaragua, and in October, 1913, purchased for \$1,500,000, 51 per cent of the stock and control, the J. G. White Management Corporation being appointed operating manager. In February, 1916, a concession was taken for a line of 22 miles from San Juan del Sur, on the Pacific, to San Jorge, on Lake Nicaragua.

By contract of October 5, 1920, the Republic repurchased the 51 per cent of stock sold, paying the bankers \$300,000 in cash and \$1,450,000 in Nicaraguan Government treasury notes. At present a contract calling for the creation of a committee of five for the construction and operation of a line to the Atlantic survives but is in abeyance. This road would be 200 miles in length.

A 48-mile railroad, the Wawa Railroad Co., but of 75 miles planned, belonging to the Wawa Commercial Co. and to some mahogany companies, is now owned and operated for 9 miles as a logging railroad by Mr. Fransen, a Belgian. This is on the Atlantic coast. For handling bananas the Cuyamel Fruit Co. since 1921 built a railroad of 8 miles, with 4 miles of spurs. The Bragman's Bluff Lumber Co. in 1923 purchased from the Government 20,000 hectares of public lands at \$2 a hectare, with concession for full port developments and railroad for some 40 miles back from the northeastern Atlantic coast. Some 21 miles are now ready. The Nicaraguan Sugar Estates Railroad has built 6 miles of main and 7 of narrow cane-field track to connect with the Pacific Railway in the northwest. To Mr. Prestinary, representing Mr. Keilhauer, has been granted a 99-year concession, with large lands and other advantages, for a road curving from Bragmans Bluff to practically the Honduran frontier, some 110 miles.

A road is projected from San Miguelito, at the eastern end of Lake Nicaragua, 117 miles, to Monkey Point, on the Atlantic. Connection by Lake Nicaragua for 90 miles of water travel will reach Granada, at the western end, the inland terminus of the Pacific Railway.

Finally, a contract was signed in 1920 giving to Rene Keilhauer the contract for construction of a railroad from the Gulf of Fonseca to Chinandega, there to connect with the Pacific Railway. In addition, was granted the right to build a branch north to the Honduran frontier. This would be a link in the Pan American Railway.

There are also some miles of private steam tramways on the west side of Lake Nicaragua.

The Caribbean coast has three harbors: Cape Gracias a Dios, Bluefields, and Greytown (San Juan del Norte). On the Pacific side are the Gulf of Fonseca, Corinto, Brito, and San Juan del Sur. The Bay of Fonseca in extent and in safety has no superior on the Pacific Ocean. With a breadth of 50 miles by a width of 30 miles, with an entrance 18 miles across, with four channels between islands, each deep enough for the largest vessels, a channel extends from its southern point for 50 miles, reaching to about 20 miles from Lake Managua.

With access by the Panama Railroad Steamship Line and the United Fruit Co. through Colon (Cristobal) and Panama City (Balboa) to Pacific Mail Steamship Co. sailing to San Juan del Sur and Corinto;

with similar connections by Dollar Line, Grace Line, Panama Pacific Line, or other steamers at the same Panama port; with vessels of the Pacific Mail Steamship Co. sailing from San Francisco to the same ports of Nicaragua; with the Southern Pacific Steamship Co. (Morgan Line) from New York connecting at New Orleans with steamers of the New Orleans and Bluefields Fruit & Steamship Co., and of the Cuyamel Fruit Co. sailing to Bluefields and Cape Gracias; and with the Pacific Steam Navigation Co. having service from Cristobal to all Central American ports, reaching Nicaragua is facile.

The Government of Nicaragua has developed a wireless system. The United Fruit Radio Co. reaches Managua, the capital, Bluefields, and Cape Gracias a Dios, working with the Western Union Co., its line from New Orleans to Managua taking but one hour, and is well placed for expansion. The All America Cables Co. through double cables to San Juan del Sur covers Nicaraguan connections. Linking of all these activities and completion of outlined plans will mean the development of the great economic power of Nicaragua.

FINANCE

The financial history of Nicaragua touches closely the United States. Whatever exigencies or struggles may have occurred in the finances of Nicaragua in the past, the recent record is remarkable. Nicaragua has the gold standard. On March 20, 1912, it passed an act effective March 24, 1913, under which the gold córdoba—after Hernán de Córdoba, who circumnavigated Lake Nicaragua and in 1524 founded Granada there—of equal weight and fineness with the gold dollar of the United States, is the unit of value. The national bank issues notes which, with all coin, are maintained at par with gold.

New York bankers made recuperation of Nicaragua possible. It was part of that United States and world patriotism which has so helped our moral and pecuniary position of leadership. In 1911 Nicaragua was in arrears on the interest and the sinking charges of its foreign debt. New York adjusted differences between London and Nicaragua, provided for overdue interest and for the payment of 1911 treasury bills and brought about reduction of debt interest rate. There were claims against Nicaragua for \$18,000,000. Of these a mixed claims commission in three and a half years eliminated nineteen-tenths, making \$1,800,000 of them to be paid. A national bank owned by the Government and the New York bankers was founded. This was followed in 1915 by affiliation between this bank and the Mercantile Bank of the Americas in New York, and increase of capital.

In September, 1924, the Nicaraguan Government purchased 51 per cent of the stock of the National Bank of Nicaragua, which was owned by the Bank of Central & South America, so that both the national railway and the national bank are at present owned in full by the Nicaraguan Government.

In 1911 Nicaragua had been disappointed in its hope of procuring from the United States a loan of \$15,000,000 because the United States Senate had failed to ratify at that time the treaty pending. When, however, this country in 1916 paid the \$3,000,000 gold for naval bases in Nicaragua and perpetual canal rights, \$1,100,000 of this sum was applied to the interest and the principal of the Nicaraguan foreign debt. Proceeds of a bond sale of \$3,800,000 were added to \$1,400,000 remaining and were applied to reorganization of the internal debt. Since, in 1911, fifty millions of dollars in irredeemable paper pesos had been converted at 20 pesos to the gold dollar, into córdobas; and since 97 per cent of the creditors had accepted the award of the commission of public credit in the reorganization of the internal debt, the United States bankers had done a wonderful work, led by Messrs. Brown Brothers & Co. and Messrs. J. and W. Seligman & Co. and with collaboration of such banks as the Shawmut National Bank of Boston, Mass., the Hibernia Bank of New Orleans and San Francisco, and other representative institutions.

Whatever changes have occurred in connection with ceasing or continued control (Mercantile Bank of the Americas, Central and South American Bank, Royal Bank of Canada, Guaranty Trust Co.) and with private banking houses as above not at present interested further in the matter, United States banking established a record of amity and of action that will remain in financial history and in political friendship.

Let it pass into history that United States and Nicaragua cooperation performed this miracle during the World War; kept Nicaragua on a gold basis during that whole period, a record of which no other nation can boast in similar fashion; and operated the railroads of Nicaragua with its trade crushed by war conditions.

WHY NICARAGUA?

Of that trade, whether import or export, the United States has about 75 per cent. For Nicaragua has practically no manufactures. There is a moral aspect to such a condition on a basis of mutual relation and friendly appreciation. It is no slight indication of Nicaraguan sentiment that, apart from its religious holidays, Independence Day of the United States, July 4, is the first holiday celebrated annually in Nicaragua and one of the six national or international ones of the whole year.

Long since has the remembrance of the marvelous episode of Byron Cole and his American Phalanx of May, 1855, been forgotten. Nicaragua

understands fully the extraordinary anabasis of William Walker and his filibusters. Walker, university man, lawyer, physician, journalist—partly by adventure and partly by attempt to help the slaveholders of the United States and to add new slave States to the Union, increasing his 56 men to 3,000, capturing Granada, organizing a government recognized in 1856 by President Pierce, receiving the sympathetic resolutions of the Democratic National Convention, elected President of Nicaragua by 15,835 votes out of 23,236, repealing the antislavery constitutional provision, fighting all the other Central American States in their coalition financed by Cornelius Vanderbilt, and, after many other vicissitudes, taken prisoner by the British, surrendered by them in 1860 to Honduras and shot.

But Nicaragua has not forgotten the long friendly offices of the United States; our constant opposition to Great Britain in the matter of the unjustly named Mosquito Coast—not so called because of its mosquito population (Spanish, mosquito, a gnat, the diminutive of mosca, a fly), but from its inhabitants, the Misquito Indians, living in that section of Nicaragua called by the English in 1665, "Mahomet's Paradise." We almost fought Great Britain about it in 1848. Our diplomacy helped its final transfer to Nicaragua in 1894. When in the eighties Colombia prepared seizure of Nicaraguan territory, President Cleveland, to prevent hostilities, despatched naval representation. In boundary decision between Nicaragua and Costa Rica the President of the United States was the arbitrator. And so on. Long and interesting are the bibliography and the diplomatic archives of our relations with Nicaragua.

Under President Carlos Solorzano, upright ruler, cultivated man and successful business executive, Nicaragua is headed for prosperity. But advance demands capital. The United States can supply this and assure itself of rich reward. Irrespective of Pacific Ocean political conditions, whether or not we see in these, warnings to be heeded, the Nicaragua canal, which means the development of Nicaragua, presses for construction. It represents coming commercial necessity; engineering insurance; expansion of our trade facilities. And even more than these, cementing of Latin and North American economic and, therefore, political friendships. (Reprinted from May 23 and 30 issues of The National Financial News, 1925.)

SENATE AND COURTS

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times of April 22, 1928, entitled "Senate and courts."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE AND COURTS

We have already spoken our mind about the bill which recently passed the Senate to limit the power of Federal judges in the conduct of a trial. It would take from them the right to make even a remark in court about the character and credibility of witnesses or the nature of the evidence. This bill was adopted by the Senate without a record vote and almost without discussion. It has not yet been reported in the House, and it is much to be hoped that it never will be. With the country anxious to see criminal procedure expedited, there can be little general sympathy with a measure certain to result in delay and confusion. Just now everybody is praising the course of Judge Bailey in driving ahead with the Sinclair trial. It is that kind of speedy and efficient justice which the Senate bill would make still rarer than it is.

Not content with this attempted interference with the Federal judiciary, the Senate has before it two other bills which, whatever their motive, can be only mischievous in their effect if they become law. One of them is Senator SHIPSTEAD's bill to amend the Judicial Code by defining and limiting the jurisdiction of courts sitting in equity. It really aims at the issue of writs of injunction. Such writs are for the protection of property, but the bill proposes that "nothing shall be held to be property unless it is tangible and transferable." Doubtless the aim is to restrict the use of injunction in labor troubles. But the proposal would take from Federal courts the right to issue injunctions in a great range of cases where it appears to be the only adequate remedy at law. It would, for example, make impossible the main resort which persons now have who are threatened with injury by the violation of patent rights, of copyright, and also by infringement of the laws relating to improper use of trade-marks, unfair competition, etc. Even more important matters affecting personal rights, guaranteed by the Constitution, would be removed from the jurisdiction of an equity court, at least in the sense that no temporary injunction could be issued to protect a threatened person.

Still more objectionable is the pending Senate bill to amend the Judicial Code by taking from the Federal courts jurisdiction in a large class of cases which have for years been tried before them. These relate to suits between citizens of the same State with claims under grants by different States, also to suits between citizens of different States, or between citizens of a State and foreign States, citizens or subjects. Competent lawyers who have looked into this proposal by Senator NORRIS regard it as destructive of some of the chief and established features of the Federal jurisprudence. It is no secret, since the

fact was stated in the Senate by Mr. COPELAND, of New York, that the Chief Justice of the Supreme Court regards some of the features of this bill as most undesirable and harmful. A similar verdict has been reached by the leading members of the bar all over the country. Yet the Senate Judiciary Committee did not even hold a hearing on this radical proposal to alter the Federal judicial system. Senator NOHRIS explained that he thought no hearings were necessary. He declared that the bill was "purely a question of practice that the lawyers on the Judiciary Committee understand as well as other attorneys." With all due respect, it may be submitted that anyone who reads the list of the Senators who now compose the Judiciary Committee will note a sad falling off from the time when eminent lawyers like Edmunds and Thurman, to mention no more, were its ornament and protection.

Passing all this, the puzzling question is why the Senate, especially the lawyers in the Senate, should seem to countenance this whole series of attacks on the Federal courts. Doubtless some Senators cherish grievances. They may have resented suits that might be called collusive which have been brought in the Federal court. They probably object to certain Federal receiverships which have had unpleasant features. But even if there have been occasional abuses in Federal procedure, that is no reason for cutting so deeply and rashly into court methods and a body of jurisprudence that have commended themselves for years to the people of this country as a whole. The bills mentioned should never in their present form be allowed to pass the Senate. If, unhappily, they do, they ought to be stopped in the House. Failing that, they would surely be found ripe and ready for a presidential veto.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, April 24, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 23 (legislative day of April 20), 1928

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

FIELD ARTILLERY

Capt. Frank Henry Hollingsworth, Infantry, with rank from July 1, 1920.

AIR CORPS

Second Lieut. Edward Fearon Booth, Infantry (detailed in Air Corps), with rank from June 12, 1924.

Second Lieut. Robert Wells Harper, Infantry (detailed in Air Corps), with rank from June 12, 1924.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

Lieut. Col. Frederick Sion Young, Infantry, from April 15, 1928.

Lieut. Col. Thomas Samuel Moorman, Infantry, from April 17, 1928.

To be lieutenant colonels

Maj. Philip Henry Worcester, Coast Artillery Corps, from April 15, 1928.

Maj. George Veazy Strong, Infantry, from April 17, 1928.

To be majors

Capt. Sereno Elmer Brett, Infantry, from April 15, 1928.

Capt. William Dennison Alexander, Field Artillery, from April 17, 1928.

To be captains

First Lieut. Timothy Sapia-Bosch, Infantry, from April 15, 1928.

First Lieut. Edward Garrett Cowen, Coast Artillery Corps, from April 17, 1928.

To be first lieutenants

Second Lieut. Ralph Christian Bing, Infantry, from April 15, 1928.

Second Lieut. Clinton John Harrold, Cavalry, from April 17, 1928.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

Brig. Gen. James Sumner Jones, Adjutant General's Department Reserve, to be brigadier general, Adjutant General's Department Reserve, from July 17, 1928.

PROMOTIONS IN THE NAVY

MARINE CORPS

Capt. Hal N. Potter to be a captain in the Marine Corps from the 16th day of June, 1926, to correct the date from which he takes rank as previously nominated and confirmed.

Capt. Oliver T. Francis to be a captain in the Marine Corps from the 22d day of June 1926, to correct the date from which he takes rank as previously nominated and confirmed.

Capt. Edward A. Fellowes to be a captain in the Marine Corps from the 27th day of June, 1926, to correct the date from which he takes rank as previously nominated and confirmed.

Capt. Robert C. Kilmartin, jr., to be a captain in the Marine Corps from the 5th day of July, 1926, to correct the date from which he takes rank as previously nominated and confirmed.

Capt. Edward A. Craig to be a captain in the Marine Corps from the 11th day of July, 1926, to correct the date from which he takes rank as previously nominated and confirmed.

First Lieut. Lester A. Dessez to be a captain in the Marine Corps from the 31st day of March, 1928.

Second Lieut. Shelton C. Zern to be a first lieutenant in the Marine Corps from the 12th day of March, 1928.

Second Lieut. John E. Curry to be a first lieutenant in the Marine Corps from the 16th day of March, 1928.

Second Lieut. Richard M. Cutts, jr., to be a first lieutenant in the Marine Corps from the 25th day of March, 1928.

Second Lieut. Frank D. Weir to be a first lieutenant in the Marine Corps from the 31st day of March, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 23 (legislative day of April 20), 1928

UNITED STATES COAST GUARD

John W. Malen to be temporary ensign.

APPOINTMENTS, BY TRANSFER, IN THE ARMY

John Merle Weir to be captain, Judge Advocate General's Department.

Samuel Adrian Dickson to be second lieutenant, Field Artillery.

William Ignatius Brady to be first lieutenant, Coast Artillery Corps.

Richard Howell Dean to be second lieutenant, Air Corps.

APPOINTMENTS, BY PROMOTION, IN THE ARMY

To be colonel

William Russell Standiford.

To be lieutenant colonel

Jay Leland Benedict.

To be majors

Emil Watson Leard.

Walter Frank Adams.

Terrill Eyre Price.

William Henry Kasten.

To be captains

James Emerson Troupe.

William Wayne Murphey.

Ward Edwin Becker.

Earl Hendry.

To be first lieutenants

Leslie Martin Grener.

Joseph Harold Hicks.

Joseph Smith.

Guy Haines Stubbs.

Kenneth Shearer Sweany.

To be colonel, Dental Corps

Julien Rex Bernheim.

To be chaplain with the rank of lieutenant colonel

Walter Kenyon Lloyd.

POSTMASTERS

ALABAMA

Lansing T. Smith, Anniston.

Dyer B. Crow, Collinsville.

Zula L. Persons, Prichard.

Walter Morgan, Woodward.

ARKANSAS

Lasco A. Callis, Bradford.

Charles N. Ruffin, De Witt.

James D. Lowrie, Elaine.

Julius L. Stephenson, Everton.

Ora L. Jones, Fouke.

John E. Bittinger, Grady.

Eustace A. Davis, Hatfield.

Charlotte A. Proctor, Hazen.

Bessie Beville, Kensett.

Ralph F. Locke, Lockesburg.

William E. Hill, Norphlet.
William E. Edwards, Rison.
Warren P. Downing, Weiner.
Wilber B. Huchel, Winthrop.

FLORIDA

Alonzo A. McGonegal, Yalaha.

IDAHO

Austin A. Lambert, Hailey.

ILLINOIS

Fred W. Newman, Grand Ridge.
Rose C. Auth, Rankin.
John Van Antwerp, Sparland.

MINNESOTA

Roy A. Smith, Beardsley.
Olaf T. Mork, Madison.
John A. Hilden, Oslo.
Albert J. Anderson, Spicer.
James M. Patterson, West Concord.

NEW YORK

Ward A. Jones, Canajoharie.
Glenn D. Clark, Prattsburg.

NORTH CAROLINA

Christopher C. Snead, Laurel Hill.

NORTH DAKOTA

Marie Siverts, Dodge.
James H. McNicol, Grand Forks.
Thomas G. Kellington, New Rockford.
Gilbert A. Moe, Sheyenne.
Agnes L. Peterson, Washburn.
Andrew M. Hewson, Wimbledon.

PENNSYLVANIA

Harry A. Miller, Rockwood.

WASHINGTON

J. Kirk Carr, Sequim.

WEST VIRGINIA

Michael H. Duncan, Crumpler.
George H. Spencer, Rivesville.

WISCONSIN

Fred D. Wood, Glenhaven.
Elvin E. Strand, Strum.
Herman C. Gralow, Woodville.

WYOMING

Phyllis C. Dodds, Cumberland.
Edna M. Booth, Sunrise.

HOUSE OF REPRESENTATIVES

MONDAY, April 23, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, as we pause and meditate the seriousness and the joy of life are revealed. Oh, what is man in the presence of such infinite majesty? We thank Thee that he is soul-destined to live through the eternities, for surely the kingdom of God is within him. We praise Thee for the immortal symphonies which invite us on; for the springtime of hope, which blesses us with the reflection of the unknown world. O Thy love and mercy surround us as we face the nightless dawn! For the memories that make life sweet and for the gentle compulsion that lures us onward we bless Thee. Inspire us this day with a high sense of duty and with a very certain, directive wisdom. In all things help us to work worthily of our origin, calling, and destiny. In the blessed name of Jesus. Amen.

The Journal of the proceedings of Saturday, April 21, 1928, was read and approved.

CALL OF THE HOUSE

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 69]

Andrew	Deal	Kearns	Robison, Ky.
Anthony	Dempsey	Kelly	Rowbottom
Beck, Pa.	Douglas, Ariz.	Kendall	Rube
Beedy	Doutrich	Kent	Sears, Fla.
Beers	Drane	Kiess	Shreve
Begg	Drewry	Kunz	Sirovich
Bell	Englebright	Kurtz	Smith
Blanton	Estep	Larsen	Somers, N. Y.
Boies	Fisher	Leech	Sproul, Kans.
Bowles	Fitzgerald, Roy G.	McDuffie	Stobbs
Britten	Fitzpatrick	McFadden	Strong, Pa.
Burdick	Fort	Magrady	Strother
Bushong	Gambrill	Manlove	Sullivan
Butler	Glynn	Mead	Summers, Tex.
Campbell	Golder	Menges	Thompson
Carew	Goldsborough	Merritt	Thurston
Carley	Graham	Monast	Tillman
Casey	Griffin	Montague	Tinkham
Celler	Harrison	Moore, Ohio	Treadway
Chase	Haugen	Morgan	Uddike
Clarke	Hope	Morin	Vestal
Cochran, Pa.	Hudspeth	Newton	Watson
Connally, Tex.	Hughes	Norton, N. J.	Weller
Cooper, Ohio	Hull, Tenn.	O'Connor, N. Y.	Welsh, Pa.
Crail	James	Oldfield	White, Kans.
Cullen	Jenkins	Palmer	Wyant
Curry	Johnson, Okla.	Palmisano	Yates
Dallinger	Johnson, S. Dak.	Quayle, N. Y.	
Darrow	Kading	Ransley	
Davey	Kahn	Reed, N. Y.	

The SPEAKER. Three hundred and thirteen Members are present; a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

SETTLEMENT OF AUSTRIAN INDEBTEDNESS

Mr. HAWLEY, chairman of the Committee on Ways and Means, by direction of that committee, presented a privileged report on House Joint Resolution 247, to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program and to conclude an agreement for the settlement of the indebtedness of Austria to the United States, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8835. An act to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.;

H. R. 10437. An act granting double pension in all cases to widows and dependents when an officer or enlisted man of the Navy dies from an injury in line of duty as the result of a submarine accident;

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; and

H. R. 12441. An act to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress.

The SPEAKER also announced his signature to enrolled bills of the Senate of the following titles:

S. 1736. An act for the relief of Charles Caudwell;

S. 1738. An act for the validation of the acquisition of Canadian properties by the War Department, and for the relief of certain disbursing officers for payments made thereon;

S. 1758. An act for the relief of Fred A. Knauf; and

S. 1771. An act for the relief of Peter S. Kelly.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4166. An act to remit estate tax on the estate of John Sealy.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1181) entitled "An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers,' as amended."

ORDER OF BUSINESS

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Mr. Speaker, this being the fourth Monday of the month, I desire to inquire whether, under section 876 of the rules of the House, the Committee on the District of Columbia is not entitled to the day as a matter of course?

The SPEAKER. The Chair thinks not. It is merely in order to call up District business.

Mr. LAGUARDIA. Of course, if the chairman of the Committee on the District of Columbia should call up any bills to-day, he is entitled to consideration of his bills, is he not?

The SPEAKER. He would have exactly the same right theoretically that the gentleman from Illinois would have if he desires to call up the flood control bill. It would be in the discretion of the Chair which he would recognize.

Mr. LAGUARDIA. I understand there are several bills pending before the Committee on the District of Columbia which have been reported, and I simply want to point out that the District Committee has its opportunity to-day so that later on they may be estopped from complaining that they have not had their day in court.

FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 151, noes 40.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3740, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of S. 3740, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. FREAR. Mr. Chairman, I believe I am entitled to recognition.

The CHAIRMAN. The gentleman has 20 minutes remaining.

Mr. FREAR. Mr. Chairman, it has been suggested that I yield a part of my 20 minutes to the distinguished chairman of the Committee on Flood Control. I do not expect to occupy all of my time, but I ask unanimous consent that the gentleman from Illinois be given five minutes after I have concluded, he being entitled to that time by all the rules of the game.

The CHAIRMAN. Does the gentleman mean that he yields five minutes to the gentleman from Illinois out of his time?

Mr. FREAR. No; unless necessary. I ask unanimous consent that after the conclusion of my remarks five minutes be given to the chairman of the Flood Control Committee.

The CHAIRMAN. The gentleman from Wisconsin, under the unanimous-consent agreement made in the House itself, that general debate may be prolonged in committee, asks unanimous consent that the gentleman from Illinois [Mr. REID], chairman of the Committee on Flood Control, be given five minutes. Is there objection?

There was no objection.

Mr. FREAR. Mr. Chairman, I have never halted in a fight because of lack of support and will not do so now, but after allotting time on the request of several Members who did not later claim it, I pause to express regrets because of noticeable absence in debate of those who ordinarily carry the flag.

The President has made a great effort to protect the Government from this \$1,000,000,000 drive on the Treasury, made under a sympathetic plea of flood control. He ought to have the active support of every Member, including leaders and laymen, in his effort to secure a good bill. Support here, as well as elsewhere, is now important.

Committee members opposed to the bill appreciate that I have repeatedly urged others to take the leadership against it. My action is at their request and not from any desire of my own. Pursuant to their request, facts have been presented affecting the bill.

Chairman REID, who, like myself, appeared to be sidetracked during negotiations, now seems to have rounded up his battalion. I congratulate him, but trust he will not be permitted to enact the Senate bill into law unless that bill is materially amended by the House. If we desire to make flood relief certain, then a bill should be passed that merits Executive support and can be fairly defended.

Others of the committee who, like myself, have registered their disapproval of the bill are not responsible for this brief

expression, because all of them have been loyal in their support. When the record is made it is certain they will have nothing to regret. Later on I may desire to offer a few amendments which, if accepted, I believe will improve the bill.

Now, Mr. Chairman, I am briefly going to try to point out, as best I can, the distinction between the offer that was made in the negotiations and the Jones bill as it was reported to the House.

Before reading of the bill I will use my remaining time to repeat that the Jones Senate flood control bill before us is objectionable because it provides, first, for a political commission, that will ultimately be asked under another bill to take over local levee obligations. Second, it requires the Government to pay \$71,000,000 for damages to railways that ask to be protected from floods, in addition to other unlimited damages; and third, it requires the Government to buy everything, including land for levees for protection of life and property, without any local contribution.

Failure of negotiations in flood-control legislation now presents the Senate bill for amendment. This bill passed the Senate practically without any consideration. It appropriates \$325,000,000, or only about one-third of the amount required to construct flood-control works under its provisions.

ACTUAL COST OF THE FLOOD CONTROL BILL

The Army Engineers' office estimates the cost at upward of \$1,000,000,000, of which possibly \$300,000,000 is for flood-way lands—all to be borne by the Federal Government under the terms of the bill. E. E. Blake furnished the President, the press, and Congress with an estimate of possibly \$1,800,000,000 cost for the project, of which one item consists of 6,047,000 acres for flood ways to cost \$674,000,000. For a number of years Blake has been chairman of a flood-control interstate commission composed of 27 members representing Alabama, Louisiana, Mississippi, Arkansas, Texas, Oklahoma, and other States (p. 335, hearings).

His estimate of flowage damage to be paid by the Government is over 100 per cent that of the Army engineers and the Mississippi River Commission estimate far exceeds amounts quoted on scattered tracts, placed in the record by the gentleman from Louisiana. Estimates of \$150 per acre and \$75 per acre by witnesses also indicate the character of demands to be made on the Government if it buys flood-way lands or easements. It should be kept in mind that 77 per cent of all lands in the proposed flood ways are owned by 1,000 corporations and large landowners named in the RECORD of April 4. If this evidence is trustworthy, no wilder assault on the Federal Treasury could be predicted. It is only paralleled in character by that feature of the Senate bill which gives to railways \$71,000,000 for future alleged damages.

In an effort to secure a compromise agreement, a proposal was submitted to the committee that eliminated some of the worst provisions of the Jones bill. That substitute bill it was believed would meet objections voiced repeatedly by the President in an effort to stop any proposed Treasury raid.

The bill so submitted proposed that the Government would undertake to construct flood-control works along the lines of the Jadwin plan, and that the Government would pay all damages that might accrue through floods under general liabilities fixed by the Constitution.

That means presumably where floods occur possibly on an average once in a decade, those having property largely of cut-over lands in the 4,000,000-acre flood ways will be paid whatever damages may properly be laid against the Government whenever caused by Government levees along such flood ways. It should be remembered these levees are also for the protection of 15,000,000 acres outside of flood ways.

Increased values to the protected land would reach many times the entire cost of the flood-control project to be of local or State benefit. It would mean increased business, increased taxes, and better living conditions generally, subject to any increased flood damage that might occur to the land temporarily covered by water in the flood way. That plan it was believed would meet the rising protest against any effort to secure 4,000,000 acres of land in the flood way at outside prices involving purchase or condemnation of 7,500 properties to be used only in heavy floods, all to be paid for by the General Government.

The Army engineers' flood-control plan in the Jones bill gives higher levees along the river, in addition to \$100,000,000 additional river-bank revetment, complete protection to Cairo by the New Madrid spillway, and the same to New Orleans by the Bonnet Carre spillway. In addition to other features the plan proposed to relieve superfloods along the river by means of the

Boeuf and Atchafalaya River bottoms, that for centuries have temporarily cared for the river overflow.

The Jones bill requires the Federal Government to buy or condemn this 4,000,000 acres of land in natural flood ways, now to be restricted by levees. These flood ways will relieve the main river in flood time and the flood-way levees will protect all lands behind the levees. As before stated, under the Jones bill to acquire the 4,000,000 acres of land or flood easements therein suits or purchases must occur between the Government and 7,500 owners, large and small.

The names of 1,000 corporations and large owners, including nonresident land and lumber companies, have been placed in the record. Less than 15 per cent of the 7,500 owners own 77 per cent, or over three-fourths, of the 4,000,000 acres, or about 1 owner to every square mile. Based on the Army engineers' estimates this land may cost \$300,000,000, and according to Engineer Blake's figures over \$600,000,000 for 6,000,000 acres, his estimate of flowage. That is the Jones bill provision now before us, which also carries \$71,000,000 in railway damages and unlimited damages against the Federal Government from sources aside from land and railways.

THE ADMINISTRATION FLOOD CONTROL PROPOSAL

The administration proposal submitted by the Attorney General provides that the Federal Government will build all levees along these two flood ways at Federal expense when rights of way are furnished locally. This condition is the same as with the Mississippi River levee rights of way. Parties in the 4,000,000-acre flood way who may receive special damages from floods will then have their rights of action under the Constitution.

Without legal hairsplitting it means that those now living in the flood way who have lived there in the past, and will continue to do so whether the Government buys the easement or not, will have added protection when the levees are built by moving back of the levees to protected ground until the water subsides. Their hazard if increased in cases will be compensated by damages where the Federal Government is responsible.

Neither plan of purchase or condemnation contemplates removing water from the flood ways, but on the contrary both the Jones bill and the administration proposal is to use these flood ways for safety of the whole valley whenever necessary to do so. Those living in the 6,000 square miles of flood way, about one to the mile, well know they are not protected any more than formerly excepting through lands behind adjacent levees.

All the tears and pleas for safety of the comparatively handful of people living on the cut-over lands in the flood way come from a mistaken understanding of what the flood ways are for or else are offered to confuse the situation. The Government is asked to save lives and property, and if in so doing it must use old flood ways now largely subject to overflow, then it is illogical and absurd to expect the same protection in the flood ways as out. But even so, there can be no difference in safety between an outright purchase of flowage rights or rights to condemnation suits for damages.

Whether the Federal Government buys the land or flood easements or the settlers and 7,500 owners of the 4,000,000 acres are left to their rights to damages, not 1 per cent will remove from the flood ways in either event, and it is immaterial to the remaining 99 per cent which course is taken, although the levees near at hand will give ample protection on protected lands after they are built.

Flood waters in the flood way may not come once in a decade, due to other protective works, and damages against the Government, if so, will not reach one-tenth of 1 per cent of money required to buy land under the Jones bill, land that the Government is to give back to the States for the second time—first under the swamp land act and now under the Jones bill.

A JUG-HANDLED COMPROMISE

Congress is informed through the press that Missouri will never permit local interests to pay for levee rights of way on flood ways, but will agree to a "Missouri compromise," wherein the Government will be permitted to buy such rights of way, buy flood-way lands, and build levees. Then under another \$1,000,000,000 flood bill now before the committee a political commission is to be asked to take over outstanding bonded indebtedness reaching many millions of dollars held by St. Louis banks. Frankly, that kind of compromise looks unjust for the remaining 47 States.

All should hesitate to invite a veto, not alone for our own legislative record based on the bill vetoed but for the danger of failure of flood-control legislation. I have no knowledge of the bill's future, but by a ringing veto declaring forcibly the facts in this case the President can tear aside all sentimentality that seeks to float a possible gigantic real-estate project under a

cloak of flood control. And in this connection let me say I absolve any Member of Congress from being behind such a project.

The country will support such a veto, and I firmly believe this House will do the same. I make no prediction of the Senate. Without consideration it passed this same bill beyond speed limit, with several presidential booms and other complications involved, so no man can tell what will happen there, but whatever the result let the responsibility for flood control rest with those who demand the bill with this 4,000,000-acre purchase of land without local contribution.

Everybody favors flood control and flood control without delay, but I have presented facts that deserve your careful consideration when amending the bill. [Applause.]

Mr. COX. Will the gentleman yield for a question?

Mr. FREAR. I yield to the gentleman from Georgia.

Mr. COX. The gentleman opposes the bill, for one among many reasons that it provides that the Government shall acquire rights of way. I would like to inquire of the gentleman if he favors the taking or damaging of private property for public use without compensation.

Mr. FREAR. Why, no; certainly not. I believe if this land is damaged beyond what it has been under the original overflowing of these flood ways, the Government should pay for that damage, but I would not pay \$75 an acre for the purchase of the land and then wait 10 years for an overflow, because under this substitute provision it will not cost 1 per cent for actual flood damages of what it will to buy the land outright.

Mr. JOHNSON of Texas. Will the gentleman yield for a question there?

Mr. FREAR. Certainly.

Mr. JOHNSON of Texas. Where does the gentleman get his figures that it is going to cost \$75 an acre?

Mr. FREAR. The \$75 value was given by the witness who appeared before the committee from the New Madrid district. The land in the New Madrid district is figured at \$150 an acre. Mr. Blake estimates flowage costs for 6,000,000 acres would be over \$600,000,000, as stated.

Mr. JOHNSON of Texas. But the land in Louisiana—

Mr. FREAR. Oh, I know the land in Louisiana is reported at \$5 to \$10 an acre, according to telegrams read here.

Mr. JOHNSON of Texas. According to the statement the gentleman made the other day, that is the land that was figured at \$75 an acre.

Mr. FREAR. Oh, no; I beg the gentleman's pardon. I did not wish to be so understood; not especially for Louisiana lands, but a maximum average for all lands needed for flood ways. Not in Louisiana alone.

Mr. JOHNSON of Texas. I so understood the gentleman.

Mr. ARENTZ. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. ARENTZ. Has the gentleman from Wisconsin gone into the retroactive features of this bill with respect to damages occurring to land from the construction of a levee on one side or the other of the river, and providing that the Government in such cases shall pay damages?

Mr. FREAR. It is not quite that; but I will say to the gentleman that I am sure Chairman REID will agree with me that we have spent many days on that very proposition. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The gentleman from Illinois [Mr. REID] is recognized for five minutes. [Applause.]

Mr. REID of Illinois. I want to clear up the situation a little before I start my statement. We have met the representatives of the President, and we have agreed on everything they asked, and I am going to present amendments embodying everything the President asked, with the single exception of agreeing to one thing—and I will never propose an amendment or support any section of this bill which will permit the turning down on innocent people in these so-called flood ways of a torrent three times that of Niagara Falls without first acquiring the rights of way or the flowage rights; and there I stand, and that is the only difference between us to-day. [Applause.]

The last speaker is in error. The Boeuf flood way at the present time is not a flood way. The Atchafalaya flood way is not a flood way. The Birds Point-New Madrid flood way is not a flood way at the present time.

These lands are protected, the same as the lands on the Mississippi River, by the levees on the Mississippi River; and unless the Mississippi levees break, you will have no floods in the Boeuf flood way; you will have no floods in the New Madrid flood way; but they are trying to give you the impression that we are trying to make the Government acquire land that is now a flood way. This is not true, and no one claims it is true. These lands are overflowed because of the breaks on the levees of the Mississippi River proper.

Under the plan now put before you there is a wide departure from the ordinary method of flood control, which was through levees only, and in that case the levees protected the adjacent land. These so-called spillways protect land in other States, perhaps a hundred miles away. Consequently there is no relation by which the people of the State should pay for it or should supply the rights of way. Would you want a ditch to run through your front yard to take care of somebody three or four blocks away? Do you think that would add anything to the value of your land? This is exactly the proposition here.

We are not trying to get the Government to acquire any flood ways that are flood ways now. It would be foolish for us to do so.

We are going to move to strike out the section with respect to the railroads, which is section 4. Everybody has agreed to this.

We have agreed to everything except a single point, and we will never permit this bill to be passed so you can turn down floods on these people and then say to them, "You can go to the courts, under the Constitution, and if you get any damages awarded, then come in and the Congress will consider them in the Committee on Claims."

I consider we have gone as far as we could go and I think any other settlement of the matter would be inhuman.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. REID of Illinois. Certainly; I will be pleased to yield to the gentleman.

Mr. MADDEN. Did the committee agree on the question of the buying of foundations for the dams around the flood ways and providing them without cost to the Government?

Mr. REID of Illinois. What committee?

Mr. MADDEN. And providing the rights of way?

Mr. REID of Illinois. Our committee yielded on the rights of way on the Mississippi River, but why should the people down in Louisiana or the people in Missouri supply rights of way that would damage their lands? They do not want them. The people of Missouri and the people of Louisiana are not asking for these spillways, but you are going to force the spillways on them by the overwhelming power of the Government. The people in Cairo and the people of Illinois are the ones to be protected. The people of Missouri will not and can not buy this land and give it to the Government for the reason that they can only collect money where the land is benefited by the improvement, and the people of Illinois can not go over there and condemn this land, because they have no such authority.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. REID of Illinois. I will.

Mr. LA GUARDIA. What does the gentleman substitute for section 4?

Mr. REID of Illinois. That the Government shall be liable where it diverts the water from the main channel. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 30 seconds.

Mr. REID of Illinois. I yield the floor.

The CHAIRMAN. All the time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Mo., in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document No. 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Secretary of War, the Chief of Engineers, the president of the Mississippi River Commission, and two civil engineers to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and that recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to determine the action to be taken upon the same, and its decision upon all matters considered by it shall be followed in carrying out the project herein adopted: *Provided further*, That if after considering any controverted problem between the Mississippi River Commission project and the project herein adopted the board shall be of the opinion that a new method should be followed, it shall submit its recommendation thereon to Congress: *Provided further*, That such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees,

before any flood-control works other than levees and revetments are undertaken on that portion of the river: *Provided further*, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will as fully and amply protect the adjacent lands as those protected by levees constructed on the main river: *Provided further*, That pending completion of any flood way, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said flood way. The sum of \$325,000,000 is hereby authorized to be appropriated for this purpose.

The Clerk read the following committee amendment:

Page 2, line 7, after the word "engineers," insert the words "chosen from civil life."

The CHAIRMAN. The question is on the committee amendment.

Mr. TILSON. Does the gentleman intend to offer a substitute for this section?

Mr. REID of Illinois. Mr. Chairman, for the information of the House I will send all of the proposed amendments to section 1 to the desk so that they may be read for information:

Page 2, line 5, strike out the words "the Secretary of War."

Page 2, line 6, strike out the word "two" and insert in lieu thereof the word "a."

Page 2, line 7, strike out the word "engineers" and insert in lieu thereof the word "engineer."

Page 2, line 13, strike out the word "that" and insert in lieu thereof the words "the plans."

Page 2, line 16, strike out beginning with the word "determine" through the word "such," in line 24, and insert in lieu thereof the following: "recommend to the President such action as it may deem necessary to be taken in respect of such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect to such project except as hereinbefore provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 8 of this act. Such."

Page 3, line 5, strike out the word "further."

Page 3, line 8, strike out the first word "as."

Page 3, line 8, strike out the words "as those protected by levees constructed on the main river."

Page 3, line 14, after the word "way," change the period to a comma and insert the following: "but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river."

Mr. MADDEN. Mr. Chairman, I would like to have the Clerk read the section as it would read when amended.

The CHAIRMAN. The entire section?

Mr. MADDEN. The entire section as it would read with the amendments adopted.

The CHAIRMAN. Without objection, the Clerk will read.

Mr. LA GUARDIA. While the Clerk is preparing the section, I ask to be recognized.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. LA GUARDIA. Mr. Chairman, all the amendments offered by the gentleman from Illinois in all likelihood will not be opposed, but will be adopted by the committee. That indicates the desire on the part of a great majority of the Members of this House to bring about a bill which will afford adequate flood relief to be undertaken by the Federal Government. But when we come to the question which should have no direct bearing on the matter of flood relief, there we find a stubborn resistance. I refer to the sordid desire to dump millions of acres of land on the Federal Government at excessive and exorbitant prices.

Mr. REID of Illinois. Mr. Chairman, I object unless the gentleman confines his remarks to the amendment under consideration.

The CHAIRMAN. The gentleman from New York will proceed in order.

Mr. LA GUARDIA. The amendment under consideration.

Mr. RAMSEYER. Which is the amendment under consideration? Were not those amendments all read for the information of the committee? Were they not all offered as one amendment?

The CHAIRMAN. The amendment under consideration is the committee amendment reported in the bill.

Mr. HUDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. If the gentleman from New York [Mr. LA GUARDIA] will yield for that purpose.

Mr. LA GUARDIA. Certainly not. I have only five minutes. The CHAIRMAN. The gentleman from New York may not be taken from the floor by a parliamentary inquiry.

Mr. LA GUARDIA. Mr. Chairman, I hope that the gentleman from Illinois [Mr. REID] will allow some latitude in discussing the merits of this bill. The amendment offered provides for the board of engineers to carry on this work. What I am seeking to do now in the beginning of the discussion is to emphasize the one point upon which there seems to be a difference of opinion. We are all agreed upon the matter of flood control, of controlling the waters, but we are not agreed upon the matter of purchasing the land, and it would seem that more interest is devoted to the acquisition of this land than there is to the control of the waters. I point out to the gentlemen representing States where land is to be taken that it is not your people, not the natives or residents who have lived down there for years and years, not the owners of the land who have held this land for years; they are not going to benefit, but the speculators who will come from my State and from the State of Illinois, who will go down there to reap the benefits of the scoop, if the present bill be enacted into law in its present form. At this very moment the confidence men of New York and the tin horns of Chicago are getting together to reap a haul if this bill is enacted in its present form. Anyone who has had any experience knows that when the law is so wide open the inevitable will happen.

Mr. DRIVER. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. DRIVER. According to the statement made by our colleague from Wisconsin [Mr. FREAR], these lands to be dealt with are now owned by Chicago and other interests. Does the gentleman think they are going to permit their lands to get out of their hands into the hands of speculators?

Mr. LA GUARDIA. They have already anticipated what would happen. Apparently, as the gentleman suggests, the evil has already happened. When the gentleman from Illinois [Mr. REID] points out that we should not permit land to be acquired without just compensation, he knows that neither the Federal Government nor a State government can take the property of any citizen without due compensation.

Mr. REID of Illinois. And the gentleman knows that property can be damaged by the Government without paying compensation.

Mr. LA GUARDIA. Oh, there is difference of opinion about that.

Mr. REID of Illinois. And that is what you intend to do here.

Mr. LA GUARDIA. There is no one who contends that property should be taken without compensation. There is no one who contends that property that is damaged by the work of the Government should not be paid for, but we do object to going in and paying an excessive, exorbitant price for 3,700,000 acres of land now already in the hands of speculators or soon to get into their control.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. Are we now considering the amendments which have been read, as offered by the gentleman from Illinois, en bloc, or are we considering the first amendment proposed by him?

The CHAIRMAN. The amendment under consideration at the present time is the committee amendment reported in the bill in line 7 of page 2. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The question now recurs upon the first amendment offered by the gentleman from Illinois [Mr. REID], but pending that the Clerk will report the section as it would read with the various amendments offered by the gentleman from Illinois agreed to.

Mr. RAMSEYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAMSEYER. So that there will be no misunderstanding, are the amendments which were sent up by the chairman of the Flood Control Committee all before the committee at this time, as one amendment, or were they intended to be offered separately, each to be taken up by itself?

The CHAIRMAN. Each amendment will be taken up and voted on separately, but they are all pending at the present time. They will be taken up in their order as they appear, modifying the section.

Mr. TILSON. Mr. Chairman, in view of the fact that all of these amendments taken together accomplish what is desired, I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the amendments offered by the gentleman from Illinois, chairman of the committee, may be considered en bloc. Is there objection?

Mr. NELSON of Missouri. I object.

Mr. FREAR. The only object, it seems to me, is to have it read in the whole.

Mr. ASWELL. Regular order, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendments as they will read when agreed to.

The Clerk read as follows:

That the project for the flood control of the Mississippi River in its alluvial valley and for its improvement from the Head of Passes to Cape Girardeau, Mo., in accordance with the engineering plan set forth and recommended in the report submitted by the Chief of Engineers to the Secretary of War dated December 1, 1927, and printed in House Document No. 90, Seventieth Congress, first session, is hereby adopted and authorized to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers: *Provided*, That a board to consist of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer chosen from civil life to be appointed by the President by and with the advice and consent of the Senate, whose compensation shall be fixed by the President and be paid out of the appropriations made to carry on this project, is hereby created; and such board is authorized and directed to consider the engineering differences between the adopted project and the plans recommended by the Mississippi River Commission in its special report dated November 28, 1927, and after such study and such further surveys as may be necessary, to recommend to the President such action as it may deem necessary to be taken in respect of such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect to such project except as herein before provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 8 of this act. Such surveys shall be made between Baton Rouge, La., and Cape Girardeau, Mo., as the board may deem necessary to enable it to ascertain and determine the best method of securing flood relief in addition to levees, before any flood-control work other than levees and revetments are undertaken on that portion of the river: *Provided*, That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will fully and amply protect the adjacent lands: *Provided further*, That pending completion of any flood way, spillway, or diversion channel, the areas within the same shall be given the same degree of protection as is afforded by levees on the west side of the river contiguous to the levee at the head of said flood way; but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river. The sum of \$325,000,000 is hereby authorized to be appropriated for this purpose.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that I may proceed out of order for 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois is recognized for 15 minutes, to proceed out of order. [Applause.]

Mr. MADDEN. Mr. Chairman, to begin, I am thoroughly in favor of adequate flood-control legislation. I have devoted as much time to it, perhaps, as any other one man except those who may be living on those waters. I have endeavored in every way within my power to reach not only an amicable, but a just solution of all the problems affected, not only to the people who are afflicted by the disaster which befell them, but to the people of the whole United States.

The amendment offered by my colleague from Illinois [Mr. REID], the chairman of the Committee on Flood Control, is one in the preparation of which I have had a part. I am very happy to see that he and his committee have agreed to the adoption of this amendment, for I think it will have as much to do with insuring efficiency in the administration of the moneys that are to be appropriated as any other one thing that may be done could have.

This amendment provides, if I may be allowed to state it, that there shall be appointed to correlate—if I may put it that way—the problems submitted by the Mississippi River Commission and those submitted by the Army Engineer Corps. The purpose of the selection of the commission provided, consisting of three engineers, one the Chief of Engineers of the Army, one the chairman of the Mississippi River Commission, and the other a civilian engineer from civil life, is to have an agency through

which the story, if I may put it that way, of the various communities may be told, of their needs and their hopes and their fears. The obligation placed upon this commission is to take the recommendation of the Mississippi River Commission and the recommendation of the Chief of Engineers and consider these two together and to work out some plan which will embody a part of each. The commission, as I understand it, is to be given authority to order a resurvey of the river from Baton Rouge down to the Passes, so that in the construction problems affected by the report of the existing two agencies they will have all the facts before them that may be disclosed by these surveys. When they have completed the work of coordination between the two reports, the commission is to go out of existence. But before they go out they are to report to the President of the United States their conclusions, and upon his adoption of these conclusions the project becomes fact, and it will be upon the conclusions of this commission, with the approval of the President of the United States, that the project on which the physical work of flood control on the Mississippi River is to be conducted will proceed.

So far so good. Then we proceed, and if I may be allowed to state it in the way in which the chairman of the committee stated it, when the friends of the President or his agents or his representatives presented these cases for the consideration of the representatives of the people down in the Mississippi Valley and its tributaries, we offered to provide that when the people of New Orleans, who have paramount interest in the work of flood control, and particularly in the Bonnet Carre flood way and spillway, expressed a willingness to relieve the United States Government from damages, the United States itself, at the expense of the people of the United States, and without any expense whatever to the local people along this spillway, and were ready to relieve the United States Government from any damages during the period of construction of the Bonnet Carre spillway, the Government would proceed to build it.

The same thing is true in respect to the New Madrid spillway, except that the paramount interest there was said to lie in southern Illinois and southeastern Missouri. The Committee on Flood Control in its wisdom has decided not to accept that suggestion. The President insists upon the suggestion being legislated into law if it can be legislated into law. He says he has made every compromise which he could understand how he could afford honorably to make. He has surrendered, as I understand it, any demand for local cash contributions. [Applause.] But he insists that the people along the Mississippi River and along the flood ways shall supply at their expense the foundations for the levees which the Government of the United States is ready and willing to construct for the protection of the people along this territory. I understand they have refused as far as the foundations for the levees around the flood ways go. They are willing to accept the President's suggestion to supply the foundations for the dams along the main Mississippi River Channel, but in conversations with these gentlemen who live in these parts through which these flood ways are to be constructed, I am told by them that the total cost of the lands for the foundations of the flood ways—that is, for the foundations of the levees in the flood ways—will cost only \$1,000,000. Does anyone here pretend to say that the people of the Southern States through which this vast improvement is to be made at the expense of Illinois, New York, Pennsylvania, Massachusetts, Ohio, and all the other States of the Union, are not willing to raise \$1,000,000 in order to cooperate?

Mr. REID of Illinois. Will the gentleman yield?

Mr. MADDEN. I yield to my colleague.

Mr. REID of Illinois. Will the gentleman tell the committee how they can raise it according to law?

Mr. MADDEN. If I were down there and were one of the citizens of the Southern States, I would contribute my part.

Mr. REID of Illinois. The gentleman would take a tin cup and set the Red Cross at work?

Mr. MADDEN. I would go to the bankers of Louisiana, of Arkansas, and of Mississippi. They could well afford to make this contribution of \$1,000,000; aye, \$5,000,000, in order that they might be the beneficiaries of the richness that is to be created by the expenditure out of the Federal Treasury of the sum that is about to be expended.

I am astonished. But I am afraid it is worse than this. I am afraid there is politics in it somewhere, and I am told that men are running for the Senate on the basis of how much they can deliver to their States without charge. If that is true, it is not right. I am told that in Louisiana candidates are each vying with the other to see how much more they can get from the Government of the United States without contribution by their own people.

Mr. SANDLIN. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SANDLIN. I would like to state to this House that the gentleman has been misinformed.

Mr. MADDEN. I have not been misinformed. There is politics in it and that has been established by these gentlemen themselves.

Mr. SANDLIN. Will the gentleman permit me to finish my statement?

Mr. MADDEN. Certainly.

Mr. SANDLIN. I will state that there is no senatorial campaign on in the State of Louisiana at this time, and, as a matter of fact, the gentleman, for whom I have great respect, has been entirely misinformed.

Mr. MADDEN. I will be glad to give the names of the people who told me.

Mr. SANDLIN. I would be glad if the gentleman would give them.

Mr. MADDEN. Mr. RILEY Wilson told me that there was politics in it.

Mr. WILSON of Louisiana. I beg the gentleman's pardon. I never made any statement of that kind.

Mr. MADDEN. I understood the gentleman to say that in the conference we had.

Mr. WILSON of Louisiana. I might have said there was some politics on that side, but not on my side.

Mr. MADDEN. I say that if there is politics in it, that is wrong, and politics ought not to be injected into it.

Mr. WILSON of Louisiana. There is no politics in it in Louisiana.

Mr. MADDEN. There may be politics in it on that side but none on this side.

Mr. WILSON of Louisiana. I do not claim there is any politics in it anywhere.

Mr. MADDEN. I know the gentleman does not claim it now, but I claim there is politics in it and I will be able to prove it if it is necessary.

Mr. BYRNS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BYRNS. I understand the gentleman says that there is the sum of \$1,000,000 involved in this difference between the President and the committee?

Mr. MADDEN. That is as to the foundation for the levees.

Mr. BYRNS. So far as that particular difference is concerned, as the gentleman from Illinois [Mr. REID] has suggested, there is no way in which that money can be legally collected and the gentleman suggests it might be done through contributions. Does not the gentleman think that when you take into consideration the fact that \$1,000,000 is a mere bagatelle as compared to the total cost of this improvement that we ought not to risk the failure of the whole proposition upon the chance of collecting the money by contributions?

Mr. MADDEN. I do not think we should risk its failure on the raising of \$1,000,000, but I maintain this, that if the people of the South are so interested, as they ought to be, and we are interested with them and for them, that they ought not to stand on the question of their going and getting this \$1,000,000 and supplying the foundations for the levees around these flood ways.

For myself I am perfectly willing, although everybody on this side may not agree with me, that the Government should pay for the flowage rights in the flood ways. I am willing we should surrender the tax which might be presumed to be imposed in the cash contributions toward the cost of this great improvement, but I do believe, in all decency and in all good conscience, there ought not to be for a single instant any opposition to the purchase or the acquirement in any way that is necessary of the land around these flood ways upon which are to be built the levees to further protect the life and the property of the people down there. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I ask recognition for five minutes.

Mr. Chairman and gentleman of the committee, I regret very much the statement of my distinguished friend from Illinois relative to any statement that may have been made in relation to politics in connection with this measure.

Of course, when statements went out from Washington and appeared in the public press that this legislation was an effort on the part of the people in the lower valley to unload lands and timber and all that sort of thing upon the United States through the efforts of big corporations, to the extent of about a billion dollars, and this statement was carried in newspapers throughout the country, I did say that that looked like politics

to me, but so far as implying any politics in Louisiana is concerned, no one has any such intention and any statement of that kind is unfounded and has no business here. Everybody here knows that in the press, through statements coming from Members of the House and through statements accredited to the executive departments, it was said that there was such an effort being made, just as you heard my friend the gentleman from Wisconsin [Mr. FREAR] say to-day that there was an effort on the part of the people to unload on the Government \$1,000,000 of lands in Louisiana, Arkansas, and Missouri.

Mr. FREAR. If the gentleman will pardon me, I never intended to make any such statement. The total cost will be about \$1,000,000,000, but that is the whole project.

Mr. WILSON of Louisiana. The gentleman ran his land calculations very close to that amount by taking 4,000,000 acres at \$75 an acre—

Mr. FREAR. Oh, no.

Mr. WILSON of Louisiana (continuing). When the statement had been presented here from people in Louisiana and elsewhere, including large corporations in New York and in Chicago, that the lands can be had at \$10 an acre.

Mr. MOORE of Virginia. Will the gentleman permit an interruption?

Mr. WILSON of Louisiana. Yes.

Mr. MOORE of Virginia. I live farther from the section in question than our very able and distinguished friend, the gentleman from Illinois [Mr. MADDEN]. I have been wondering how there could be any local politics involved or any southern politics in view of the fact that there is unanimity of sentiment in the Mississippi Valley. It would seem to me impossible that two candidates for the Senate could bring into their contest any question as to this matter.

Mr. WILSON of Louisiana. I do not think there could be, and there are no candidates for the Senate in Louisiana now, although there may be in Mississippi.

My friends, I want now to say a word relative to the proposition discussed by the gentleman from Wisconsin [Mr. FREAR]. There is not a single section where a flood way is proposed in Louisiana, Missouri, or Arkansas but what the people in that section are hoping and praying that when this new survey authorized in this section is made they will be given relief. I was very glad to hear the gentleman from Illinois [Mr. MADDEN] say that when that survey is made they will go down the valley and let the people of the towns and cities come before the board and be heard and present the question anew. I am glad that the gentleman has given the provision that construction. Of course, those of us who are acquainted with the conditions know this is true, and when they go there they will find there is not a man in one of these flood ways but is hoping and praying that some way will be found by which this project may be executed by the Government and the flood way avoided, or that the plans may be adjusted so that they can have equal protection throughout these flood ways. It is the hope that the protective amendments in this section will be effective, and that these flood ways, if it is found necessary to establish them, will afford the greatest degree of protection possible.

But the idea that anyone down there is seeking this opportunity to add a single dollar of additional cost to the Government by bringing these waters through there is unfounded and untrue, and when the board makes this survey, my friends, they will find that charge is not true.

They also make the statement that the proposed flood-way areas are natural flood ways and should have been open all the time.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WILSON of Louisiana. If you understand the Mississippi River, you know that the whole alluvial valley is a natural flood way just as much at one place as another; that is, as the valley was built up deposits were made along the banks of the river gradually and the water went over all the way down, but, just because at some place like Cypress Creek in Arkansas it may have been left open there longer than at other places, or the fact that before it was closed 300,000 cubic feet of water went through there, does not justify the statement that this is a natural flood way whereby you can divert 700,000 to 900,000 cubic feet of water without any compensation for the damage it causes. So all that was asked was that if flood ways were found necessary in Missouri, Arkansas, or Louisiana that the property that was taken should be com-

pensated for. And I want to say here that whether it be the property of a railroad or of a farmer, if it is taken for this purpose, just and fair compensation ought to be made, because when these industries were built there they were established in good faith, and were established on account of protection assured by the Government.

So, my friends, I think it is unfortunate that anyone would attempt at this hour of distress to charge that these people are trying to unload practically a billion dollars of property on the Government and are trying to join with Wall Street and the people of Chicago in doing this, when these people are opposed to flood ways if they can be avoided. I think it is unfair to charge them with trying to scoop into the Treasury for the benefit of landowners in Louisiana and in the large cities.

The new surveys ordered in this session will be made by the board and will, I think, give some light on this question that is not even known to-day by the Chief of Engineers of the United States Army.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. WILSON of Louisiana. I will.

Mr. LA GUARDIA. The gentleman has described the land in Louisiana, and it was always my impression that they were just as the gentleman is describing. What value would the gentleman put on those lands per acre?

Mr. WILSON of Louisiana. I put several telegrams in the Record the other day from large owners of land in which they put the value at \$5 to \$10 an acre.

Mr. LA GUARDIA. Does the gentleman know what the average assessed value of those lands is?

Mr. WILSON of Louisiana. I can not say, but a committee of engineers made an investigation and they estimated that the average value is about \$23 an acre.

Mr. COX. Will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. COX. It should not escape attention that all the land the Government wants is along the flood way.

Mr. WILSON of Louisiana. Whatever is necessary to carry out the project.

Mr. COX. It is not contemplated that it shall take any lands except along the flood ways—that which is overflowed.

Mr. WILSON of Louisiana. The whole valley is subject to overflow.

Mr. SCHAFER. Will the gentleman yield?

Mr. WILSON of Louisiana. I will.

Mr. SCHAFER. The gentleman speaks of the telegrams he put in the Record that the owners would sell from \$5 to \$10 an acre. But they reserved the timber and mineral rights, did they not?

Mr. WILSON of Louisiana. Yes.

Mr. SCHAFER. The land has no value except in the timber and mineral rights?

Mr. WILSON of Louisiana. What the Government proposes to do is to acquire flood rights over the land, using the land for flood-control purposes. They do not want the timber or the mineral.

Mr. SCHAFER. No; but the value of the land is for timber and mineral rights?

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. WHITTINGTON. Mr. Chairman, I want to say a few words in reply to the gentleman from Illinois who has correctly stated that there is no objection on his part or on the part of those for whom he speaks to the adoption of these amendments now proposed by the chairman of our committee. I could have wished, in so far as I am concerned, that the request of the gentleman from Connecticut had been complied with and that we might treat the amendments en bloc, because I want to remind my friend from New York [Mr. LA GUARDIA] that these amendments have nothing to do with the diversion or flood ways.

Having made that statement I want to say a word about the matter of diversions and flood ways in further reply to the distinguished gentleman from Illinois. I know of no Member of the House who has worked more assiduously or more earnestly and honestly to arrive at a solution of this flood-control problem than the chairman of the Committee on Appropriations. [Applause.] I make the statement that his observations a few moments ago, if written into the pending bill, concede everything that the Flood Control Committee is asking, except the rights of way for levees along spillways, flood ways, and diversions. In other words, if we accept the statement of the chairman of the Committee on Appropriations, and if we can agree on the language to put into the bill whereby the Government will provide for flowage rights or easements

through diversions the only point of difference between the gentleman and our committee is the matter of acquiring the rights of way for levees along diversions and flood ways.

I want to say to the gentleman from Illinois—and mark my words—I speak only for the levee districts in the State of Mississippi, and I have not conferred with the citizens of these districts on the proposition, but speaking for myself I wish that the entire alluvial valley could raise the funds for payment of rights of way for levees along flood ways.

If there is any language that can be put into the bill whereby, as suggested by the distinguished gentleman from Tennessee [Mr. BYRNS], the States of the entire valley—mark my language—could under the laws of the States pay for the rights of way along diversions and flood ways in Louisiana, Arkansas, and Missouri, I would like to see it inserted. [Applause.]

Mr. Chairman and gentlemen of the committee, I would even go further than that; I would like to say to you again that as a matter of compromise we have endeavored to iron out the matters in this bill. If there is any method whereby the States of the entire lower valley may contribute the lands for levees along diversions or provide in the bill that if these rights of way are not so provided, the Government will have the right to provide them and the States to reimburse the Government, I personally would stand for it.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. TILSON. Does the gentleman intend to offer an amendment that will change the bill to read that way?

Mr. WHITTINGTON. I would be glad to do it, if my conferees would agree to it.

Mr. TILSON. This is very important; it is near the crux of the matter.

Mr. WHITTINGTON. It is, absolutely. If the gentleman from Connecticut will propose an amendment that will be a declaration in this bill whereby the Government will provide for the flowage rights and easements through those diversions, I shall offer an amendment if one could be framed to be binding on the entire alluvial valley to provide the rights of way for levees for diversions.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, the gentleman is not speaking now for the committee?

Mr. WHITTINGTON. I am speaking for myself.

Mr. TILSON. The gentleman has put up to me a suggestion about a proposed amendment.

Mr. WHITTINGTON. I have not completed my statement along that line. I say to the gentleman from Louisiana [Mr. WILSON], if he will give me his ear for a moment—we are not going to get excited about this matter—but I stand, if all the States can not or will not provide for rights of way for levees along diversions, for the Government to pay for the rights of way for levees on the diversions, the flood ways, and the spillways, and, mark my language, I shall stand here and oppose to the end any legislation that requires the State of Louisiana, the State of Arkansas, or the State of Missouri alone, to pay for the rights of way for the levees on the diversions and the flood ways through those States.

Mr. COX. Does the gentleman propose the creation of a superlevee district?

Mr. WHITTINGTON. I do not.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. WILLIAMSON. Is it the intention that the Government shall acquire only the flowage rights and that the title to the land shall remain in private ownership?

Mr. WHITTINGTON. The Government may have the right to do either one of two things. It may acquire the flowage rights or acquire the land in the flood ways and diversions. That is left to the discretion of the Secretary of War, as to which the Government will do. Having said that I oppose the State of Louisiana or the State of Arkansas or the State of Missouri being required to provide for the rights of way for levees for the diversions and for the flood ways through those States, and having said that I shall continue to oppose that burden being borne by the States of Arkansas, Louisiana, and Missouri, unless some way can be arranged whereby all the States in the valley shall share in that expense. I call attention to this significant fact, and I invite the attention of the leaders on the Republican side to this statement: This bill provides for two projects: One the Mississippi River and the

other the Sacramento River. I remind you that under the Sacramento project, embraced in this legislation, the Government of the United States is proposing to pay in substance one-third of the cost of the project, including levees on the by-passes and the rights of way for these levees and the flowage rights in by-passes, and the expenses made necessary to the land-owners in those by-passes, including changes in railroads—and that is a term that has been hawked about here in this legislation—so that the concrete proposition that confronts us in the flood control of the Mississippi is whether or not the Government of the United States will provide the cost of the rights of way for levees along these diversions, if no plan can be worked out whereby the States in the lower valley can provide for them, or whether this legislation shall fail because you are not willing to provide for levees for diversions estimated to cost \$1,000,000. In addition, the Sacramento River is an intra-state stream.

In this particular case these diversions along the Mississippi River are not being made for the benefit of the State of Louisiana, the State of Arkansas, or the State of Missouri, and I put this question to you: If the Government is to pay substantially one-third the cost of the project including rights of way for levees for diversions on the Sacramento River in one State, is it not fair and just for the Government to pay all costs for the rights-of-way levees for diversions and the damages to be done in the States of Louisiana, Arkansas, and Missouri, for the benefit of 31 States of the Union?

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. SNELL. Is not the gentleman mixing up these two propositions? Does the gentleman take the position that we are paying more in the Sacramento Valley than we are willing to pay on the Mississippi proposition?

Mr. WHITTINGTON. I repeat my statement.

Mr. SNELL. The gentleman need not repeat his statement.

Mr. WHITTINGTON. Then I ask the gentleman to repeat his question.

Mr. SNELL. Does the gentleman maintain that we are paying more in the Sacramento Valley than we are willing to pay under our provisions at the present time for the Mississippi flood control?

Mr. WHITTINGTON. If you insist upon the local interests providing for the rights of way for levees on the flood ways and diversions through the States of Missouri, Arkansas, and Louisiana, then you are asking them to provide those rights of way entirely, while under the Sacramento project the Government is contributing one-third of the cost.

Mr. SNELL. I appreciate that, but under the Sacramento project they pay two-thirds of the entire cost.

Mr. WHITTINGTON. Undoubtedly.

Mr. SNELL. And we would be willing to agree with you to-day on any proposition that you can bring in, and pay one-third of that cost. We will even go further than that. We will pay two-thirds of the entire cost. The gentleman makes the statement here that the Government is not willing to do as much by you as we were doing by the Sacramento Valley.

Mr. WHITTINGTON. Instead of leaving that impression, I want to say, as I said in the beginning, you have gone to the extreme limit except as to diversions, but when you come down to the question of a million dollars for rights of way for levees along diversions you should go farther.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. FREAR. Can you in your report find anywhere that the Government is paying any proportion of the levee expenses of the rights of way or anything else on the Sacramento River except that it contributes one-third? As it is there, it can be applied in any way you choose.

Mr. TILSON. Mr. Chairman, and to be fair about the Sacramento proposition, it should be said that that includes navigation, and that is a very large element, from the head of the Sacramento River down to the ocean.

Mr. WHITTINGTON. I want to say concerning the interests included here, of the appropriation that we ask for \$325,000,000 in the pending bill, from \$110,000,000 to \$150,000,000 goes to navigation. That answers the gentleman from Wisconsin. The proposition does provide that the entire cost of the Sacramento is \$51,000,000, of which the United States pays one-third; and I am for it, including rights of way and diversions.

Mr. FREAR. These things are mentioned, of course, in the report?

Mr. WHITTINGTON. Yes; and having made that statement, Mr. Chairman, I want to say—

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. WILLIAM E. HULL. I want to straighten up some matters that are in my mind. Do I understand you to say that the South would be willing to raise the money to pay for the foundation of the levees along the diversions, provided that it is a million dollars, with the understanding that the Government assumes the flowage rights?

Mr. WHITTINGTON. Yes. As I said, I am speaking for myself, and if there is any way to embrace in this legislation a change in the law respecting the alluvial valley of the Mississippi—and I speak for myself alone—if we can do that, I will stand for it; and I may add, Mr. Chairman, that until somebody can suggest language whereby that will be done and can be done, I am for the bill as we agreed to report it here.

Mr. FULBRIGHT. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. FULBRIGHT. Is the gentleman aware of the fact that the flood way in southeast Missouri is for the section at Cairo, Ill.?

Mr. WHITTINGTON. Yes.

Mr. FULBRIGHT. Does the gentleman say that it is a proper thing for Missouri to pay for the flood way?

Mr. WHITTINGTON. Missouri ought not to pay one cent for it. I am opposed to Missouri paying one cent for it, or for Louisiana or Arkansas paying a cent for the flood way. I think it ought to be done at the expense of the Federal Government.

The gentleman is aware that this matter can not be adjusted without the Federal Government. But if the cost of flood control is assumed by the Government, except the estimated costs of \$1,000,000 for rights of way for levees on diversions and flood ways, I would personally like to see all the interests in the alluvial valley agree to assume the amount if the success or failure of this bill depends upon such a provision. At the same time the bill should provide that the Government will pay for and acquire the flowage rights through the diversions and flood ways.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The question is on agreeing to the first amendment offered by the gentleman from Illinois [Mr. REID], which the Clerk will report.

The Clerk read as follows:

Page 2, line 5, strike out the words "Secretary of War."

Page 2, line 6, strike out the word "two" and insert in lieu thereof the word "a."

Page 2, line 7, strike out the word "engineers" and insert in lieu thereof the word "engineer."

Mr. CRAMTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. It was my understanding that an agreement was reached whereby these amendments should be voted on en bloc.

The CHAIRMAN. No. It was objected to. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "that" and in lieu thereof insert the words "the plans."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the third amendment.

The Clerk read as follows:

Page 2, line 16, strike out, beginning with the word "determine" to the word "such" in line 24, and insert in lieu thereof the following: "Recommend to the President such action as may be deemed necessary to be taken in respect to such engineering differences, and the decision of the President upon all recommendations or questions submitted to him by such board shall be followed in carrying out the project herein adopted. The board shall not have any power or authority in respect of such project except as hereinbefore provided. Such project and the changes therein, if any, shall be executed in accordance with the provisions of section 8 of this act. Such."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the fourth amendment.

The Clerk read as follows:

Page 3, line 5, strike out the word "further."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the fifth amendment. The Clerk read as follows:

Page 3, line 8, strike out the first word "as."

Page 3, line 8, strike out the words "as those protected by levees constructed on the main river."

Mr. MacGREGOR. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. MacGREGOR. Is this the proper place to move to strike out the last word?

The CHAIRMAN. Debate has been closed and the committee is voting on a series of amendments.

Mr. MacGREGOR. I understood that these amendments were to be taken up ad seriatum, and that there was no closing of debate. I simply want to ask the chairman of the committee a question.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the gentleman may have the privilege of asking the chairman of the committee a question.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. MacGREGOR. I would like to understand the import of this change. It is provided in the first instance:

That all diversion works and outlets constructed under the provisions of this act shall be built in a manner and of a character which will as fully and amply protect the adjacent lands as those protected by levees constructed on the main river.

Mr. REID of Illinois. The idea is that they do not want to have to build the same standard levees on the spillways as are now on the main river. It is a different construction and for a different purpose.

Mr. MacGREGOR. Does not the proposed language—I do not know whether I am right or wrong—make the Government at least morally liable in the future for all damages occasioned by any floods which take away these levees.

Mr. REID of Illinois. I would be glad to write that in if we could, but nobody has ever suggested that to-day.

Mr. MacGREGOR. You now have the language reading:

That all diversion waters and outlets constructed under the provisions of this act shall be built in a manner and of a character which will fully and amply protect the adjacent lands.

Mr. REID of Illinois. While they are building the spillways. I would be glad to write into the Record what the gentleman says.

Mr. MacGREGOR. I certainly would not be favorable to that idea.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the sixth amendment.

The Clerk read as follows:

Page 3, line 14, after the word "way," change the period to a comma and insert the following: "but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHALLENBERGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHALLENBERGER: On page 3, line 14, after the committee amendment and before the word "the," insert the following: "Provided further, That whenever the President shall ascertain from the Secretary of War or other agency that floods on the lower Mississippi can be controlled and prevented by construction of reservoirs for the impounding of waters in the Mississippi River and its tributaries, the construction of such reservoirs is hereby authorized, under the direction and supervision of the Secretary of War and the Chief of Engineers, and the appropriations authorized by this act are hereby made available for such reservoir construction."

Mr. SHALLENBERGER. Mr. Chairman and gentlemen, I do not intend to take the time of the committee but for a moment in order to express my reason for offering this amendment and why I think it important to a proper solution of this great question that it should be adopted. I think it is very clear to those who have studied the reports of the engineers who have been dealing with this matter that the final solution and permanent settlement of the prevention of floods in the Mississippi Valley depends upon the construction of reservoirs and the

impounding of the water in the tributaries and on the upper sources of the stream. Now, the debate we had between members of the Flood Control Committee just a moment ago proved very conclusively to me that the big problem we are now dealing with is the cost of the construction of the spillways and flood ways provided in the bill. I am going to make the statement that the control of floods in the Mississippi Valley, if the plan proposed in the bill is adopted, will not be brought about by the building of levees and walls of earth, but by the building of spillways and flood ways. Unless you store the waters of the tributaries in the upper sources of the river the great expenditure of money is going to be for the building of spillways and flood ways in order to carry off the floods you can not control. If we build reservoirs, we make use of the waters which otherwise run to waste and destruction in the lower valley.

By this amendment, which I have offered, we do not bind the President nor those in control of the operations to any particular plan, but we do include in the plan we are authorizing now a definite declaration that we authorize the expenditure of the money appropriated for any plan which the engineers deem best. I believe it will sooner or later be that of reservoir control.

Mr. REID of Illinois. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. REID of Illinois. I was wondering whether the gentleman will not wait and offer his amendment when we get to section 10 where we have a reservoir amendment. It is prepared and will be offered when we reach that section.

Mr. SHALLENBERGER. I believe I prefer to offer it here. Other amendments will be offered at that place, and I thought this was probably the proper place to offer my amendment.

If my amendment is voted down, other amendments may be adopted; but I will say to the chairman, that the people of the upper portions of the river are vitally interested in this matter. Those of us who live in the great northwest region of the Nation, who will have to in part pay for flood control, are also interested. This morning, to show you the intense interest taken in this problem out in the great Northwest, I found on my desk a clipping from a daily paper from the State of Nebraska, from our capital city of Lincoln, and after analyzing fully the importance of this problem and declaring it is a national problem, they wound up with this language. I quote from an editorial in the Lincoln, Nebr., Daily Star:

Sooner or later the question of constructing dams and reservoirs all over the central western region, to hold back the water which converges in the Mississippi, will have to be taken up and dealt with. Nebraska and her neighboring States are greatly interested in that phase of the problem, which contemplates the use of such diverted waters for irrigation and power purposes. The Federal Government will be expected to aid in constructing the water-storage system, but the States will no doubt be willing to do their part.

So we on the tributaries are ready to do our part in providing sites and paying our share to carry out the storage-reservoir principle.

Mr. McKEOWN. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman.

Mr. McKEOWN. If the President should find that the reservoir system is effective, then the Government of the United States would not have to pay all of the cost of the reservoirs because there would be contributions.

Mr. SHALLENBERGER. There would be contributions and, furthermore, we would not have to spend such enormous amounts for spillways. If we stored but one-half of the water on the watershed, then the great problem of spillways would be partly met, the cost of the land that you are going to overflow and the matter of damages under the plan we have here, would be greatly reduced.

I offer you in the valley a plan of salvation and I am giving you a chance to accept it now. [Applause.]

Mr. SIMMONS. Mr. Chairman and gentlemen, I have not taken any part in this debate up to this point, preferring to listen in order that I might find out some things that many of us western men do not know about the South. My colleague from Nebraska, Mr. SHALLENBERGER, has presented to you what a great many people in the United States deem to be a rational, sensible solution of this flood-control matter; and that is, to change the flood waters of the Mississippi Valley from a national liability into a national asset, changing them from a damaging and destroying power to a power for the production of great national wealth through irrigation and the creation of water power and furnishing of water for navigation by the construction of storage reservoirs.

I live in the heart of a great reclamation project that the Congress of the United States authorized and the Government built from the reclamation fund. As a boy I have seen the

river that goes by my home town early in the spring out of its banks, sweeping over our bridges, destroying the approaches spring after spring. Now, since this and other projects have been in operation there is the least amount of water in the North Platte River passing through Wyoming and Nebraska in the flood period of any period of the year. The flood waters are held in storage. The greatest amount of water coming down that river is in July and August. What has happened? There has been built up in Wyoming beyond the city of Casper a great reservoir, the Pathfinder. Supplemental reservoirs are being built. These dams can be regulated and the quantity of water held so that they take the flood water year after year and fill this reservoir with it. Then what happens? Throughout all of the summer months that stored water is being spread over 500,000 acres of fertile land. Not only the water that is used for the plant in its life is stored and taken out of the river but that 500,000 acres of irrigated land is itself a great reservoir, storing the water in the soil. That water comes back in the fall months into the river and goes on down the stream, contributing to a regular orderly flow throughout the year.

We western folk believe that by putting this tributary control into the flood-control scheme, and as a part of it the proposition of building reservoirs, of developing lands for irrigation, of developing hydroelectric power for industrial uses, of regulating the flow of water for navigation, is at least a sensible solution in part of this flood problem. If you adopt the amendment that the gentleman from Nebraska [Mr. SHALLENBERGER] offers, it indicates that the Congress is willing to at least try out this plan of control, and it will be an indication, too, to us in that section of the country that you believe in developing our section of the United States as well as protecting your own.

My folk are paying dollar for dollar back into the Federal Treasury; every cent the Government of the United States has spent on this project, and we are controlling your floods in part as we are doing it.

You are asking that you pay not a cent of the cost of your development. Give us, in this amendment, recognition of the thing that we in the tributary States are asking for, and that is a control, in part, of these things, by storage reservoirs furnishing power and water for development. You will change these waters from a thing you people do not want, a damage-doing agency, to a wealth-creating force, and you will be doing the thing that all of us want, and that is making the Missouri and the Mississippi—

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SIMMONS. You will be contributing materially, likewise, to making the Missouri and the Mississippi navigable streams 12 months in the year, and that is something likewise that we of the Mississippi Valley all want.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SIMMONS. I yield to my colleague.

Mr. SHALLENBERGER. Will the gentleman also call the attention of the committee to the fact that my amendment is very general in its terms and leaves the final determination of the whole problem to the President and his advisers with respect to the use of this money.

Mr. SIMMONS. Yes; and it does recognize the principle and authorizes the expenditure of the money under such circumstances. The plan is sensible, it is feasible, and it will not cost more than the present plan. It will make these waters develop and not destroy a great section of the United States. [Applause.]

Mr. HOWARD of Nebraska. Mr. Chairman, I rise in support of the amendment. I want in a few words to bring to the attention of the members of this committee who do not live in our great prairie realm the absolute and unquestioned importance and necessity for legislation, which I hope will grow out of the amendment, if adopted, offered by my colleague from Nebraska [Mr. SHALLENBERGER].

Men of the House, let me tell you our story so that you may understand it. We in Nebraska live in a prairie zone. There is no timber in Nebraska, save that which has been planted by the hand of man. There is no coal, there is no mineral of any kind. But out there most of us are Christians, and we are believers in the goodness of God Almighty. He did not give us any coal under the prairies of Nebraska, but He gave us a splendid substitute in the form of two of the most regularly

flowing rivers in all the world that have ever been gauged by any reliable government.

Now, if we could harness the waters of these rivers and set them to the task of generating electric energy and supplying it to the people at a low price, what would it mean to us?

Oh, my friends, those of you who have never lived in a prairie realm, you do not know what it is to be in the clutches of Coal Trust as we do. Suppose that we could get the waters of the rivers harnessed, after having them carried to reservoirs, to be used a part of the time for irrigation and a part of the time for generating electricity. What would it mean to us?

Why, my friends, it would mean the absolute relief of Nebraska from the clutches of Coal Trust, because if we could do this we never would want to buy coal in Nebraska, even if we could get it for a dollar a ton. Why? Because if we could harness these waters and have them generate electrical energy it would be sufficient to heat and light every public and private building in all that prairie realm, turn the wheels of all machinery, and still have enough left to cook all the food for all the people.

Why is it, my friends, that that vast natural asset of ours is not employed and used for the benefit of the people? I do not know. Some say that the reason we are not able to harness the waters in these wonderful rivers in Nebraska is because of the power and machinations of that mysterious thing we call Power Trust. It may be true, I do not know, but, my friends of the House, those of you who know nothing about the situation of our people out in the prairie zone, will you not believe those of us who come from the prairies when we tell you that our fond hope for the harnessing of the rivers can now be best put in the way of ultimate consummation by the adoption of the amendment offered by my friend from Nebraska, Mr. SHALLENBERGER. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I hope the committee will not treat this amendment lightly, but will give it very serious consideration. The amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] brings before the House two distinct schools of thought in the matter of flood control. The one contained in the bill, I might say, is to regulate the defects from nature, while the one suggested in the amendment offered by the gentleman from Nebraska corrects the defects of nature. By the methods in the bill we simply build levees, provide flood ways and spillways, and wait until the flood comes and then permit this flood of water with terrific power to inundate and flood millions of acres of land and cause immense damage. Besides there is always the constant fear of flood in these flood-way areas.

Now, by the amendment offered by the gentleman from Nebraska, instead of waiting for the flood to come and destroy the lives and properties, we collect these waters, harness this power in a series of reservoirs upstream and along the tributaries, so that they may be released in uniform quantity during all seasons, and not only prevent a flood but utilize this tremendous water power for useful purposes, so that instead of being a curse to the Mississippi Valley we can make it a blessing to the people of the valley.

Now, gentlemen, it can not be urged by the committee that they, the committee, are not sympathetic to the method suggested by the gentleman from Nebraska, because in section 12 of the bill now before us they provide for a survey to do the very same thing which the gentleman from Nebraska suggests should be done. In other words, the reservoir plan and the utilization of the water power of the main stream and tributaries is recognized in theory by the committee in section 12, while the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER] puts that theory into practice.

In other words, the Committee on Flood Control preaches this system, while the amendment of the gentleman from Nebraska [Mr. SHALLENBERGER] puts into action that which the committee and the bill preaches.

Mr. MADDEN. Would the gentleman from New York do this before he found out how many billions it is going to cost?

Mr. LAGUARDIA. No matter what it costs, instead of purchasing these millions of acres, instead of this water going to waste, you can utilize this water, and if we do not do it to-day and Congress does not do it next year the time will come when our successors will take this matter up and deal with it in the very way suggested by the amendment of the gentleman from Nebraska and wonder why we to-day lacked the vision and foresight in the light of past experience and the advanced stage of engineering of our time.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAM E. HULL. In this last flood does the gentleman think that these reservoirs would have done any good?

Mr. LAGUARDIA. Oh, all of the water would not be in one reservoir. All of the water of the flood did not come from one tributary. It came from various tributaries.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAGON. If these reservoirs in Oklahoma are as feasible as the good engineers have said they are, you would not have had any flood on the Mississippi if the reservoirs had been there, because water of sufficient quantity fell in that region to make a volume of over 740,000 cubic feet in a hundred miles.

Mr. LAGUARDIA. Exactly. We all know that the water does not come from one source or from one tributary. One tributary may be flooded and not cause a flood in the lower Mississippi. A major flood only happens when conditions are such that there is an undue and abnormally large amount of rainfall in all the sections during the same season, so that all of the tributaries are flooded, which naturally sends down such an abnormal flow as to overflow the lower bed of the main stream.

Mr. RAGON. And I call further attention to this, that even the Army engineers who made this survey, about whom there is some question in respect to their bias or prejudice, have said that you may amply control the Arkansas and the White Rivers and that their waters could have been controlled in the last flood by reservoirs. If you had done that, you would have taken out of the volume of 2,000,000 cubic feet per second on the Mississippi at Natchez 1,200,000 cubic feet contributed by those two rivers.

Mr. LAGUARDIA. Certainly. The committee recognizes the fact, because they have included the idea of a survey in section 12 of the bill. Instead of having a survey on something so elementary, in the name of common sense, you friends of flood control, come to the rescue now and give us a chance to do something constructive, something that is in keeping with the age in which we are living, and provide a scientific method to control this great problem. I hope gentlemen will give this amendment serious consideration and put it in the bill where it belongs.

Mr. McKEOWN. Mr. Chairman, I ask to have read in my time the following discussion of this matter by the Manufacturers' Record, of Baltimore, Md.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

MANUFACTURERS' RECORD,
Baltimore, Md., April 19, 1928.

DEAR SIR: The leading editorial in this week's issue of the Manufacturers' Record, copy of which is inclosed, contains a suggestion of what we believe to be the logical and only feasible solution of the jam into which flood control has been thrown.

General Jadwin has admitted that the plan worked out by the Interstate Commission for control of the Arkansas and Red Rivers is accurate in cost estimates, and that it will prevent floods in those rivers exactly as its proponents say it will. Further, he admits that it will take from 3 to 4 feet off the crest of floods in the Mississippi River below the mouth of the Arkansas. The States of the interstate compact—that is, the States drained by those two rivers—stand ready to contribute 40 or 50 per cent of the cost of the project, leaving about \$60,000,000 for the Federal Government to pay.

It seems safe to say that two other large tributaries of the Mississippi—the Ohio and the Missouri—can be proportionately controlled by reservoirs on their many subtributaries. Could this be done—and General Jadwin has admitted that it is possible—the degree of control of the Mississippi resulting from control of these three rivers alone would be:

Below the Missouri (3 to 5 feet), 3 to 5 feet.

Below the Ohio (6 to 8 feet), 9 to 13 feet.

Below the Arkansas (3 to 4 feet), 12 to 17 feet.

General Jadwin has admitted that this much reduction, could it have been secured, would have prevented all danger of damage from the 1927 flood; and he has further admitted that it could be had, though he said the cost would be upward of a billion dollars. But this plan would cost no more than the plan submitted by General Jadwin, now admitted to require an expenditure of somewhere in the neighborhood of \$1,500,000,000; it would protect thousands of miles of tributaries, as well as the lower valley, thus eliminating further costly works there; and it would command millions of dollars of local support, leaving only a reasonable portion for the Federal Government to pay.

Why can not the leaders of the Mississippi Valley, the Arkansas and Red River Valleys, the Missouri Valley, the Ohio Valley, and of the other tributaries that desire protection from their local floods, get together and determine to carry this plan through? We believe it could be done.

Very truly yours,

MANUFACTURERS' RECORD.

Mr. McKEOWN. Mr. Chairman, the purpose of this legislation is this: If the President of the United States shall find by investigation of his agents and engineers that flood control can be accomplished along the tributaries and the waters that enter the tributaries, and if he further finds that it could be done economically and the money expended be reimbursable to the Government, then it would not be necessary to expend our millions and millions of dollars on the works in the lower Mississippi. Does it not stand to reason that there ought to be two plans before we spend all of our money on the lower reaches of the Mississippi? There is not a single State in the whole 31 along the tributaries that would not make the money in a large measure reimbursable, and the commission would find that it is in a great extent reimbursable. So is it not common sense to give the President two propositions, so that he can use his judgment and save money as well as accomplish the result of flood control? I favor the adoption of this amendment.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SNELL. Mr. Chairman, I am not opposing this amendment at this time because of the fact that I am opposed to the reservoir scheme of controlling the flood waters on these large rivers. As a matter of fact, I made an extended speech upon that proposition some time ago. I am opposing the proposition at this time because we should not adopt such a scheme without knowing something about it. This is a tremendous proposition, which might go into one or two billions of dollars, and we are asked here to adopt it as a simple amendment, when it means more in fact than all the rest of the bill. It might take all of the money that we are appropriating at this time to make the surveys and lay out these propositions; it might all be expended on the reservoir schemes and not anything on the lower Mississippi Valley, to protect which is the main object of the bill, if it is to be taken out of the funds appropriated at this time. Later on in the bill there is provision for complete surveys to investigate the whole reservoir proposition. I want that to be done, but certainly it would be death to this bill to adopt this amendment at this time and say that without coming back to Congress, without a completed plan, without any definite knowledge of any kind, yet we will authorize these most extensive construction of reservoirs.

Mr. McKEOWN. This provides that the President should do this if he shall find it feasible. It is not positive.

Mr. SNELL. These reservoir projects are definitely authorized by that amendment and, if adopted, we lose control, except such as comes through the Appropriations Committee.

Mr. SHALLENBERGER. If the gentleman will permit me, the amendment simply provides that if the President shall ascertain, from the Secretary of War or any other agency, that the floods on the lower Mississippi can be controlled by these reservoirs, then he will be authorized to build these reservoirs.

Mr. SNELL. Yes; and there is no doubt in my mind that if you spend money enough, of course, you could control the floods in that way; but the amount of money might be so much that it would be out of the question.

Mr. SHALLENBERGER. The President is allowed, under the amendment offered by the committee, to use his judgment as to where every dollar shall be expended under the present plan, and I simply add to it that if in his judgment he wishes to use the money elsewhere he can do so if the judgment of the engineers and his agency is that that is the way to use the money.

Mr. SNELL. It is provided that if they could be controlled in that way they are authorized to do so, but the Lord only knows how much money it would take. We certainly ought to know how much it will be before we adopt such a comprehensive plan.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. WHITTINGTON. I want to ask the gentleman from New York if under the provisions of the amendment proposed here we will not do two things: First, if it will not prevent investigation and surveys of reservoirs, just the same as the amendment which provides that it shall report to Congress?

Mr. SNELL. It supersedes that.

Mr. WHITTINGTON. This provides that the President or the Secretary of War after investigation shall report on the floods of the lower Mississippi Valley. Such a report has already been made. I read from substance of the report of the Secretary of War on that point furnished to the President:

The reservoir board reports that reservoirs are not economically justifiable in connection with a comprehensive plan for flood control in the Mississippi Valley at the present time. Reservoirs that would give a dependable reduction of flood height of 5.7 feet at Cairo, 6.9 at the

mouth of the Arkansas, and 5.4 at the mouth of the Red River are estimated to cost \$1,296,000,000. Equivalent protection can be given by levees for \$250,000,000. The best reservoir project found, in addition to the reservoirs at the mouths of tributaries, for the flood control in the lower valley is a system of 11 reservoirs on the Arkansas and White Rivers, at an estimated cost of \$242,000,000, and these reservoirs would have reduced the floods at Arkansas City by about 8 feet. The probability is that even these reservoirs would require the destruction of fertile lands in the valleys of the Arkansas and the White more valuable than the lands they would protect along the Mississippi River. In addition, the costs of protection would be very much greater for the construction of reservoirs.

I think they ought to be investigated. The Secretary could make that report now. Is it not a fact that these reservoirs could be considered in connection with section 4?

Mr. SNELL. It is fully covered in section 10.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SNELL. Mr. Chairman, may I have five minutes additional?

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. CRAMTON. I will ask if it is not a fact that if the Shallenberger amendment should become a part of the law it would give the President the option of following the reservoir plan and dropping the other plan entirely?

Mr. SNELL. Yes. When we agree upon this proposition we have lost our control as far as reservoirs are concerned and perhaps the other.

Mr. SIMMONS. Of course, the Congress will have the right to pass on the amount when we come to the appropriation. You can not irrigate lands and you can not develop water power by surveys. You always tell the western Members, "We will give you a survey." That is what you tell us on river development. Now, the Congress has authorized the survey of these projects, and the United States has paid the cost, and the reports are before Congress, and you know how much power there will be and how much water can be stored. That information is all brought here.

Mr. SNELL. We want it all brought before the House so that the House can discuss it before any work is entered upon.

Mr. SIMMONS. We are asking that we have authority, if the President deems it advisable, to come before the Congress and the Committee on Appropriations and ask for the money.

Mr. SNELL. We want the membership of this House to be given the right to pass upon it, and not leave it entirely to the Appropriations Committee.

Mr. SIMMONS. You have it now.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes; I yield.

Mr. LOZIER. Is not the logical effect of this amendment, if adopted, to confer upon the President the power of adopting a great national project and policy without first having submitted it to Congress for approval?

Mr. SNELL. Yes. That is something that Congress has never been willing to do heretofore, and I do not think it is willing to do it now.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. McKEOWN. Suppose it should be found that the reservoir system would cost the Government less money and be more effective than the levee system on the lower Mississippi River. Should we not have the right to adopt it?

Mr. SNELL. Yes; and furthermore if the board suggested that proposition to Congress, we might immediately adopt it. But do the people of the lower Mississippi Valley want to wait 1 year or 10 years for that? I ask, gentlemen, if they want to wait?

Mr. McKEOWN. But here is the proposition: Does the gentleman want to commit Congress to the expenditure of \$300,000,000 or \$400,000,000 in the lower Mississippi without giving the President authority to see whether the other plan is feasible or not?

Mr. SNELL. I am perfectly willing to commit this Government to a certain amount to take care of the lower reaches of the Mississippi River at this time without going into a full investigation of the reservoir scheme.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LaGUARDIA. The committee just adopted an amendment offered by the gentleman from Illinois which gives the President the power to select one of two projects. That is the

bill as it is now before us, and with a certain proviso in the bill we have already conferred the power to which the gentleman now objects.

Mr. SNELL. No; that is entirely a different proposition than the one we are now discussing.

Mr. LAGUARDIA. The gentleman has in mind the amendment just adopted by the committee?

Mr. SNELL. No; I do not know just what the gentleman has in mind, but I do know that there is not an amendment in this bill providing for the adoption of the reservoir proposition without submitting it to Congress.

Mr. GIFFORD. Mr. Chairman, before a vote is taken upon this amendment some of us not so intensely interested as they who live in this territory, but interested because of responsibility of the Treasury, should express ourselves. I suggest that all of us have studied the proposition, and I wish to say to the committee that immediately after the flood I looked over the CONGRESSIONAL RECORD and read over again a splendid speech made by the gentleman from Mississippi [Mr. WHITTINGTON] about a year before the flood, in which he insisted that the only feasible method, quoting engineers of the last 100 years, was the levee method and that spillways were not practical. It is now shown that when you build 100 miles of levees at the mouth of the river it is necessary to build the next 100, and so on. We who live on the ocean know that when we protect our beaches that it is absolutely necessary for our neighbor to protect his beach or the waters will undermine his property. We are told by engineering authorities—and I presume the gentleman had this in mind in 1926—that after you build a spillway and experience a few floods the force of the main river is only distributed and is finally only as effective as the original stream. These engineers for 100 years back seem now to be discredited, although we have had many serious floods before. However, after the flood of 1927 our friend from Mississippi [Mr. WHITTINGTON] changes from "levees only" and believes that spillways are now practical, although in the face of his most exhaustive argument of two years ago. They now ask us to waste all of the water and not provide any opportunity of conserving it. I am sympathetic with the gentleman from Nebraska and those who have spoken before him for this form of amendment. We are anxious to do something to conserve those waters. We feel that reservoir control will return something to the Government for the large sums we will spend for flood control. Let the tributaries have a chance to be considered, at least, in the great sum of \$325,000,000, which is to be expended. I believe we should give the President and the board some authority with reference to reservoirs, if it is found practical. It may be proven that they can build reservoirs in some localities, which would assist in flood control. We should not provide for the expenditure of all this large sum of money for the building of spillways and flood ways only until the reservoir plan is most carefully considered. I was greatly impressed by this speech of the gentleman from Nebraska [Mr. SEARS], who spoke here so enlighteningly about two weeks ago. I have read this speech several times, and I would plead his cause and those of the semiarid regions for the conservation plan. Do not ask us so violently to spend all of this money on spillways, which Mr. WHITTINGTON claimed were not practical, and engineers assure us that after three or four floods we could dump into the Gulf only the amount of water as was the capacity of the river before such outlets were constructed. [Applause.] [Cries of "Vote!" "Vote!"]

Mr. FREAR. You gentlemen are shouting "Vote!" "Vote!" We have been sitting for five months and listening to evidence with reference to this proposition, and yet you are objecting because we want to have a few minutes in which to learn the truth and pass it around to you.

Mr. Chairman, the engineers made a long examination of the subject of reservoirs. Frankly, I do not believe they know much about reservoirs because of limited time afforded, but they have made a long examination. The engineers had another body examining into the question of diversion, and they also reported. There were five subcommittees among the engineers, and some 200 engineers were engaged in this work. They reported to our committee and stated that a reservoir system would cost in the neighborhood of \$1,500,000,000. Now, here is the situation that impressed me more than all else in their report—that it would take a long period to make a complete determination of what the cost was going to be for reservoirs and what the effect would be upon the flood waters of the lower Mississippi. In response to a question I put to them they said that if you could shut off all of the rivers in Nebraska; for instance, cutting off the river completely, the Pathfinder Reservoir and all others, it would not make a difference of over one-sixteenth of an inch at Cairo at that time.

Now, frankly, I am not prepared to accept that as being a sufficient answer.

But this is the question that confronts us here just as it did in the committee. It will take a very long period to determine the cost of reservoirs and the influence they will have on the lower Mississippi River. It may be several years, and surely it will be over a year, because there are so many questions that are involved in the provision.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman from Texas.

Mr. BLACK of Texas. In view of that situation, does the gentleman think it would be wise at this time to adopt the amendment which has been offered by the gentleman from Nebraska [Mr. SHALLENBERGER]?

Mr. FREAR. I am just coming to that. This is a question of great seriousness, and we all ought to have a fair understanding of it no matter how we may vote.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FREAR. In a moment. Let me discuss and explain something that has not been presented to the House. We permitted section 12 to be inserted in the bill. Section 12 requires a complete survey of all of the tributaries to ascertain what effect the reservoir system will have, and included in that is the power question and all these other propositions. The only serious question, to my mind, or the most serious one, is that it will take such a long time before we can give relief to the people down in the lower valley and therefore we ought to do something at this time. It will take the Army engineers about a year to go on and bring the levee grades up to height, in addition to providing the spillway at Bonnet Carre to protect New Orleans and look after the diversion opposite Cairo at New Madrid. This will take possibly several years. Whether or not we will gain anything by holding back the project, in view of the fact that we have to let contracts and take care of the work incident to that, is for the House to determine.

I was a member of the committee at that time, and we felt it was going to mean great delay. There is a large question involved in this reservoir system and I have presented the facts to you just as fairly as I can.

Mr. HASTINGS. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. HASTINGS. Then we have the assurance of the gentleman from Wisconsin to support sections 10 and 12, in substance, when reached.

Mr. FREAR. I do not see any objection—

Mr. HASTINGS. Do we have the assurance of the gentleman from Wisconsin to that effect?

Mr. FREAR. I do not see any objection to that. I think it is important to have a survey. I think we ought to have all the intelligence and all the information we can have furnished by the engineers or by any other authority. If I were going to criticize the amendment at all, it would be because the President on the support of the Secretary of War or any other agency may proceed at once. Just think what a wide proposition you have in this amendment. Nothing like that is proposed in the bill. Here you have a survey which is to be brought back to Congress and we will then ascertain what the merits are.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. FREAR. I yield to the gentleman from New York.

Mr. JACOBSTEIN. If we adopt this amendment, are we precluded from going ahead any faster on the reservoir system, and if we do construct the reservoir system later on, have we spent money unnecessarily?

Mr. FREAR. Oh, yes; but I am not necessarily worried over that.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. Even if we spend \$100,000,000 in a large proposition of this kind it is small when compared with the total amount involved, because in any question of flood control, as suggested by the gentleman from Nebraska, Governor SHALLENBERGER, there is a provision with respect to water power and so many other instrumentalities that are to be developed that we can afford to spend the money. The only thing that disturbs me, I do not want to have the whole project delayed.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. SHALLENBERGER. Right in connection with that statement I want to call the gentleman's attention to the fact

that my amendment does not prevent work being started on the lower valley. It simply provides that in the course of construction work, at any time the agencies of the Government which the President relies upon, the Chief of Engineers or any board that he constitutes, shall determine that the project can be benefited by building reservoirs, the President is then authorized to build them.

Mr. FREAR. I understand that, and in any event I am not fearful as to the results; it is only a question of the time involved. That is what I have in mind.

Mr. LAGUARDIA. The attitude of the gentleman from Wisconsin, as reflected by his last statement, stabs me to the quick. The gentleman does not contend that the amendment offered by the gentleman from Nebraska, if adopted, would delay the necessary preliminary work in the lower Mississippi.

Mr. FREAR. If it takes only a year I concede it would not, except so far as letting contracts and advancing the absolutely necessary work you have to proceed with this year. You must remember, however, it is going to take 10 years to complete this project. It is not a question of one year; it is going to take 10 years to finish it, but I do not want needlessly to delay it.

Mr. CROSSER. Mr. Chairman and members of the committee, when one considers the terrible ravages of the Mississippi floods, surely he can not remain indifferent to the subject of flood control. I have long been deeply impressed with the urgent need of providing a remedy for the terrible floods that have caused so much loss of life and property.

Many millions of dollars have been spent in an effort to control the floods in the Mississippi Valley. Most of the work done has been worse than wasted, for it has done much harm instead of good, and has been contrary to all scientific principles. The proper method for the correction of any evil requires that we first determine what is the cause of the trouble and then that we shall endeavor to neutralize or overcome that cause. This has never been done in the case of the flood evil in the Mississippi Valley, nor indeed has it been done anywhere else in the United States. We have spent many millions of dollars to build levees; that is, great embankments alongside of and a little distance back from the natural banks of the river, and the result has been that every flood has been more disastrous than the floods which preceded it.

The theory advanced by the Army engineers to justify the building of levees was that the added force resulting from confining the stream within levees would expend itself on the bottom of the river bed, and would tear up and carry away material from the bottom of the river and so deepen the channel. Mr. Lyman E. Cooley, one of the leading waterway engineers of the United States, when discussing this made the following comment:

The wish seems to have been father to the thought. . . . Unhappily, the river does not seem to have exercised any wise selective power; in fact, it seems to have discriminated in favor of the banks.

Yes, that is exactly what happens; the river tears away the banks instead of removing material from the bed of the stream.

No effort to control the mighty waters of the Mississippi River, when, uncontrolled, they have reached the lower end of the valley, can be successful. The reason why floods are now greater and more destructive in the lower part of the Mississippi Valley than was the case in the early history of the country is that man has removed many natural obstructions which formerly retarded the flow of the water which fell on the land of the upper Mississippi Valley. When the United States Government came into existence great forests covered the land which surrounded the streams which flow on to form the upper Mississippi River. The leaves of the trees of the forests helped to impede the flow of water which fell in the form of rain or snow. The dead leaves which lay on the ground below the trees further hindered the flow of the water which created the smaller streams, which in turn moved on to form the mighty Mississippi River. When these forests were removed and the lands were devoted to agriculture, or occupied by cities and towns, the water falling upon the ground flowed into the streams with greatly increased rapidity. After a heavy rain or sudden melting of heavy snowfalls the streams of the upper Mississippi Valley rise very quickly and, of course, rush on with great rapidity to empty into the main stream which can not at once accommodate such a great volume of water. No more water goes into the Mississippi River than formerly. The trouble is that it now empties into the river more rapidly.

The Government should, wherever possible, engage in a system of reforestation. This, however, will not alone remedy the evil which now confronts us. We must provide a remedy which can be applied more promptly. That remedy, in my opinion, could be provided by the construction of a sufficient number of

reservoirs properly located on the upper tributaries of the Mississippi River. Such a system of reservoirs on the tributaries would enable the Government to not only control the water level in the rivers, but would in reality aid navigation, make possible the irrigation of large tracts of land now practically useless, and would develop water power more than enough to pay the whole cost of building the system of reservoirs.

When it is shown how logical and reasonable is the reservoir plan of controlling floods, those who want to hold to the old idea of levees now say that to be of any use for water power we must have reservoirs full of water, and to be of any use in the control of floods we must have empty reservoirs. Men who make that objection do so because they lack a complete understanding of the proposed reservoir plan. The reservoirs should be large enough to make possible not only the development of water power by the streams when at their average height, but the reservoir walls should be built high enough above the point where water power can be developed, so that there will be plenty of space behind the walls to hold the excess waters resulting from floods. The excess water would be held in the reservoir until it could be allowed to flow out gradually from the reservoirs into the river channels and without danger to any of the country lying below the reservoirs. If great dams were built at suitable locations on all of the tributaries of the Mississippi there would be no difficulty in regulating almost precisely the level of the Mississippi River.

The unanswerable logic of the plan which I have urged should appeal to anyone. To those, however, who are never willing to adopt a proposal on the basis of principle and who must always know before adopting a plan that it has already been in successful operation elsewhere, I might say that Germany, Austria, Russia, France, and Spain have all applied the principle to control floods in certain of their rivers.

What I have said very briefly states the fundamental principles of systematic flood control. Let me say, however, that for the thorough and comprehensive treatment of the subject we should provide for the cooperation of several of the departments of the Government which, because of the duties and functions given them by law, are particularly interested in the subject of the control of waterways.

For that reason, while I was a member of the Flood Control Committee when it was first organized, I introduced on May 2, 1926, a bill for flood control and for the utilization of flood water for constructive and beneficial purposes. The bill proposed the establishment of a national waterways council, to consist of the President of the United States as chairman, the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the chairman of a water control board, which was to be appointed by the waterways council, and which was to devote itself exclusively to the subject of water control. The national waterways council was, by the terms of the bill, to cooperate with the States. The enactment of such a bill would have provided for the systematic control of the waterways of the United States. It would have provided for the control of floods and yet would have kept in view the fact that the excess water of floods could be used for irrigation purposes. It would have provided reservoirs for the development of water power, but would also at the same time have considered the advantages and necessity of providing reservoirs not only large enough to provide for the development of water power but large enough to hold as long as necessary the excess water of floods. In a word, the streams of the country under such a council could have been controlled so as to prevent damage and at the same time confer a positive benefit upon the people of the United States. Later, when the flood control bill, reported favorably by a majority of the committee, came before the House for action, I offered a substitute for the committee bill. That substitute embodied the same principles as the bill I had previously introduced, and presented the proposal which I am now again advocating. The plan, however, was not adopted. It was, however, a relatively new idea and, as usually is the case with new ideas, it was rejected. If they have not seen a thing done, or have not read in a book that it has been done, the reason and imagination of many men do not enable them to know that it could be done. We find, therefore, that after having done in 1916 all that the Mississippi River Commission asked Congress to do, the country suffers more from floods than was the case before we did what the commission requested us to do.

Congress relied upon the assurances of the chairman of the House Flood Control Committee, Mr. HUMPHREYS, and the majority of the committee, who said that if we should provide the money that they were asking for the building of levees, the people of the Mississippi Valley would no longer suffer from the ravages of floods. These gentlemen were given the money they requested and yet what has been the result? In the year

1927, the worst flood in the history of the country brought disaster and untold misery upon the people of the Mississippi Valley.

Let us cease the folly of spending hundreds of millions of dollars to build embankments alongside the lower part of the Mississippi River in a vain effort to hold back from the farms and towns the flood water which has accumulated in the upper part of the Mississippi Valley as a result of the junction of the swollen tributary streams. Let us begin to control the cause of the evil by providing at least for the building of a system of reservoirs in which to hold the flood waters accumulating in the upper tributaries. The water can then be released with perfect safety to the territory lying in the lower part of the valley, but it can also be made of value to the people by using it for irrigation purposes and to produce water power. The expense would be only apparently greater for such a plan would eventually produce enough revenue to pay for the cost of constructing the reservoirs and other works. We should not, however, where human life is in danger, haggle about a supposed greater cost. I say supply the proper remedy now and we shall not be asked in the future for millions of dollars to rebuild levees which have been destroyed as we might reasonably have expected that they would be destroyed when such unscientific methods were adopted.

Mr. MADDEN. Will the gentleman yield?

Mr. CROSSER. I will.

Mr. MADDEN. The gentleman referred to the fact that in 1916 he, as one of the members of the minority, made certain proposals. He was a member of the majority then—the Democrats were in control.

Mr. CROSSER. I am not referring to partisan politics. I was not indulging in political twaddle.

Mr. MADDEN. The gentleman stated he was a member of the minority.

Mr. CROSSER. I said that I was in the minority of the Flood Control Committee.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HASTINGS. Mr. Chairman, I am heartily in favor of this amendment, whether it be added to section 1 of the bill or to sections 10 or 12.

The people of the Nation have been studying the question of reservoir control and are deeply interested in it, and the more it is examined the more, I am sure, they will be in sympathy with it.

This is an additional method of flood control, and we have no doubt of its ultimate adoption.

The importance of this bill has been repeatedly emphasized. It is one of major importance to the entire Nation. The flood of 1927 was a tragedy. While its disastrous results are vividly fixed upon our memories we should enact legislation which will afford protection in so far as it is humanly possible.

I congratulate the Rules Committee in giving the time which has been allowed by this resolution for the consideration of this question. We were assured of liberal time being allowed for the consideration of amendments which are to be proposed.

Those who represent the sections of our country most disastrously affected are appealing to Congress for adequate protection. The people whom they represent have their backs to the wall. They are entitled to have the sympathetic consideration of Congress. I am sure they will have it.

For more than 100 years we have been making appropriations, but they have not been adequate for protection against the more disastrous floods. I concur in the repeated statement that this is a national question.

First. The floods on the lower Mississippi do not originate there. They come from the watersheds which wholly or in part drain 31 States, which in times of floods pour streams with torrential force through the lower Mississippi, resulting in great loss of life and the destruction of property difficult to estimate. We therefore should not look at the question from a local standpoint but should view it as it is, a national question.

Second. It is urged that there must be local contributions and yet it is admitted that this should be waived in those localities where the people are unable to further contribute for the protection of themselves and their property. The hearings disclose that they have already contributed some \$292,000,000, and if this is viewed as a national question this is far more than their share of local contribution, and these previous payments should be considered in the enactment of this legislation.

Third. The Mississippi is navigable and under the complete control of the Federal Government.

Fourth. The interests of the various units in the same or different States are antagonistic and neither the people, the drainage districts, counties, or States will voluntarily contribute

to the purchase of land for flood-control purposes for the benefit of those inhabiting lower sections. Neither the State of Missouri nor those living in the southeastern counties thereof will bond, tax, or voluntarily contribute for the protection of those living below in the northeastern part of the State of Arkansas, yet a break in Missouri is disastrous to the lives and property of the people living below in the State of Arkansas. The same argument applies with equal force to the several counties and drainage districts within the same State.

It is insisted that all property necessary to be condemned for use in the building of levees or spillways in connection with flood control on the lower Mississippi should be paid for by the people locally because the cost would be much less than if the financial burden for this purpose is borne by the Federal Government. Any amendment presented drawn to protect the Government against real-estate speculation and at the same time permit the work to go forward will receive the careful consideration of Congress—no one wants excessive damages paid. As a matter of practice most of these lands will be acquired through agreements and resorts to the courts will only be occasionally taken. Whether this property belongs to the poor man who owns a few acres, or to his more fortunate neighbor, who owns a larger tract, only fair and reasonable compensation should be paid.

We therefore favor the enactment of such legislation as will protect as adequately as possible the people who inhabit the States bordering on the lower Mississippi River. The levees there should be repaired and strengthened and such other improvements made as are recommended by the best engineers of the country.

We repeat that we are viewing this situation in the lower Mississippi from a national standpoint, and comprehensive legislation should be enacted as will insure permanent protection against the recurrence of these great disasters.

It is urged that the cost will be prohibitive. This argument does not appeal to me. I do not want to see a dollar unnecessarily or extravagantly expended. I am for the strictest economy. This legislation should be so carefully prepared as will insure the Government against graft and reduce to a minimum extravagant waste. This can not always be avoided in public work, but we should enact legislation to minimize and safeguard it as much as possible. The work should be placed under competent supervision.

If the people of the Nation are satisfied that they will get 100 cents' worth of benefit out of every dollar expended, they will be satisfied.

I do not believe that we should place the money authorized to be expended in the balance against the human equation of protecting the lives of the people and of preventing the suffering and disaster that befell them along the lower Mississippi in 1927. When we enact legislation, as we will, providing for a comprehensive plan of flood control, we will make only annual appropriations, and Congress must see to it from year to year that the work is not only efficiently done but that all opportunities for graft and extravagance are either eliminated or reduced to a minimum. The greatest care should be taken to protect the Government both in legislation and administration.

We have been making appropriations and enacting legislation for flood protection in a more or less inadequate manner for 100 years. The question now arises: Shall we resort to the levy system or to levees and spillways without the testing of every other method which may be presented for our consideration? We who live in States not immediately adjacent to the Mississippi express our deep sympathy with those who live in the lower reaches of the great valley. The picture presented of the great flood of 1927 is a harrowing one. We say to you that this picture is not complete unless our vision permits us to take a comprehensive view of the entire 31 States from whose watersheds the drainage comes to produce these great disasters. The people of my State are tremendously interested in this important question. One of the great tributaries of the Mississippi, the Arkansas River, is 1,460 miles long. It rises in Colorado and gathers force and volume as it flows through Kansas, Oklahoma, and Arkansas, emptying into the Mississippi. Great disasters occur along this river and its tributaries. Congress has made appropriations for this river since 1832. I live a few miles distant from the Arkansas River, which flows through my district, and have intimate knowledge of the disasters which have occurred in previous years, particularly in 1927, along this river and its main tributaries. These disasters are of more or less annual occurrence. In 1927 we witnessed this mighty river pouring its torrential volume of water with great force toward the Mississippi River, spreading out 5 to 10 miles in width over the richest agricultural land that may be found in the entire Nation, taking its toll of lives, sweeping away homes, destroying crops of incal-

culable value, doing permanent injury to the land itself, undermining and destroying highways, interrupting the commerce of that section of the country by destroying bridges and interfering with the mails. In my home city the train service was so interrupted that mail was not received for almost a week, the first mail being brought in by motor transportation. This picture is not overdrawn, and while we are willing to sympathetically view the picture of the lower Mississippi and to assist in the enactment of legislation that will afford adequate and permanent protection, we appeal to the Representatives of that section, and the entire membership of this House, that we should view the entire picture and enact constructive legislation embodying a comprehensive plan to remedy the situation.

For 75 years the Arkansas River was navigable and is now so recognized by the Government, to the confluence of the Grand and Verdigris Rivers, near Muskogee, Okla. Appropriations have been made for this stream as far north as Wichita, Kans. Shortly after the Civil War railroads were built through that country, which was then sparsely settled. The Arkansas River fell into disuse. The appropriations and improvements were discontinued. The trees were felled along the banks of the river, and these banks were by erosion carried into the bed of the stream, the channel filled and changed, until within the past 25 years little use for navigation purposes has been made of this river. The neglect has been with Congress. We, therefore, who represent States drained by the major tributaries of the Mississippi in turn appeal to the Members of this House and urge the consideration of a comprehensive national plan for flood control.

We are deeply interested, therefore, in the sections which provide for surveys and flood control of the tributaries. Much important data have already been collected through the efforts of the Representatives of these States and the best civil engineers engaged, who have spent a great deal of time in making surveys, assembling data, and making a comprehensive study of the question. The best civil engineers obtainable report that reservoirs can be constructed at a reasonable cost for the impounding of the water when floods are menacing which will sufficiently reduce the volume in the lower Mississippi that, in connection with levees already built, after they are repaired and strengthened, will afford adequate protection to that section. It will also protect the people along these major tributaries from the results of disastrous floods, such as they experience almost annually, culminating in the great flood of 1927. It is estimated that in my State alone we lost from twenty-five to forty million dollars' worth of property. The flooded area in the Arkansas River valley and its tributaries in Oklahoma covered 782,300 acres.

We are therefore deeply interested in those sections of the bill which provide for surveys for the major tributaries of the Mississippi, including the Arkansas River and its tributaries, and authorizing the expenditure of \$5,000,000 in addition to the amounts authorized in the river and harbor act of January 21, 1927, and a study of the reservoir system for flood control.

We would prefer to have these surveys made under the direction of the board that is created by section 1 of the bill rather than through the Corps of Engineers. The report of the engineers compels us to reach the conclusion that they are prejudiced in advance against the reservoir plan of flood control. Their report insists that the cost is prohibitive. The best civil engineers whose services have been utilized insist that the cost of the construction of these reservoirs, adequate for flood control, will be reasonable. These civil engineers have spent a great deal of time in collecting data and in the consideration of this important question. The report of the Army engineers, we insist, is upon a superficial examination of the question. We believe, therefore, that the board created by section 1 would give a more unbiased and a more sympathetic consideration to the reservoir plan of flood control.

It is true that section 10 provides that before the reports of the Army engineers are presented to Congress they shall be presented to the board. We feel that the data will be collected and so arranged that it will not be presented in an unprejudiced way to the board. If these surveys were made under the direction of the board so as to insure an open-minded consideration of the reservoir plan, and reports expedited, we would be satisfied with the conclusions that would be reached. We also believe that the cost of the construction of reservoirs on the Arkansas and its major tributaries would not exceed the damage done by the 1927 flood alone.

I have confidence that if section 10, in substance, stays in the bill with the expenditure of \$5,000,000 authorized, that the feasibility of the plan of reservoir control will be acknowledged and that reservoirs will ultimately be constructed not only to the great benefit of the flood protection along the lower reaches of the Mississippi River but for the benefit and protection along

the Arkansas River and its major tributaries below the sites selected for the reservoirs. That means, of course, protection against disastrous floods in the future. It means incidentally the reclaiming of great bodies of productive land to the farmers for cultivation. It means navigation renewed on the Arkansas River and reduced competitive freight rates. It means the protection of commerce, the Federal highways, and the roads over which the mails are carried. We believe that this will be money wisely expended. In my judgment, it should be regarded as an investment. We should have courage to enact such legislation as will adequately meet the needs of the situation.

It has been suggested on the floor and in the press that legislation, except along certain lines, will be met with Executive disapproval. The responsibility is upon Congress to study this question, to originate and enact legislation that will meet the situation. When passed, the responsibility is transferred to the President. The Flood Control Committee of the House has held hearings upon this bill for three or four months. Every phase has been presented and considered. I am not willing, as a Member of the House, to permit the question of cost to prevent me from supporting a comprehensive plan of flood control provided it is safeguarded against graft and waste reduced to a minimum.

It has been suggested by the chairman of the Committee on Rules [Mr. SNELL] that amendments to the bill are to be presented for the consideration of the House, and it is intimated that these amendments will not only be perfecting amendments but far-reaching in their character. It is also suggested by the dissenting member of the Flood Control Committee [Mr. FREAR] that certain amendments are in course of preparation and will be presented.

In fairness to the House, these amendments should have been printed and offered at the beginning of the debate, so that they might have had the study of Members before they are presented for consideration later on. I will consider each amendment on its merits when presented and vote for those which my best judgment may approve.

I would like to make myself clear upon two points: First, I am in favor of the most rigid economy. I would not vote for a dollar for flood control or any other purpose which was not recommended as necessary, and I want every dollar of that money efficiently expended, and its expenditure safeguarded by legislation enacted by Congress to eliminate graft and to reduce extravagance to a minimum. If under the expenditure authorized by section 10 of this bill the reports, as I believe they will, compel the building of reservoirs, I am sure adequate appropriations by Congress will follow.

Second, I am supporting this bill for flood-control protection, with the assurance that section 10 providing for the survey of the major tributaries of the Mississippi will be retained in the bill. Of course, the argument used in behalf of the Arkansas River and its tributaries applies with equal force to the other major tributaries authorized to be surveyed by section 10 of the bill. We should not take a narrow or sectional view of this legislation. We have a right to expect that this section, in substance, will be retained. Let me warn my fellow Members that if this section is eliminated and no provision is made for a survey and a study of the major tributaries and their contributing streams, I shall be compelled to withhold my approval of this legislation. I can not vote for a bill that discriminates against my State and district. We have a right to expect fair treatment of all sections of the country at the hands of Congress. We do insist, however, that in so much as our people have suffered so greatly that they have a right to have the reservoir plan of flood control examined and carefully studied, which we believe will compel its acceptance.

In criticizing this plan of flood control the report of the engineers in support of the levee system insists that the bed of the lower Mississippi is not raised by the deposit of silt, sand, gravel, and erosion carried into it from the major tributaries, and, therefore, they argue that building up and strengthening the levees will afford adequate protection. This is against the experience of every barefoot boy who has played and fished along the minor streams in every section of our country. They know that after a heavy rain falls silt and sand and gravel form sandbars, filling up and frequently changing the channels of the smaller streams near their source. This is true where the fall is much greater and the current, therefore, stronger than in the lower reaches of the Mississippi where the bed is so level that the momentum of the current presses the water on to the Gulf. It is against the experience of all who have lived along the larger streams where erosion causes the banks to cave in and to fill up the bed of the stream and frequently change its current. If this be true where the fall is greater and the current stronger it must of necessity be true in the lower Mississippi River bed. If the bed of the Mississippi is

raised, of course the height of the protecting levees is correspondingly lessened. We insist, therefore, that with the surveys made as provided in section 10, in which we are so vitally interested, that it will compel the adoption of the reservoir plan of flood control and this in turn will afford flood protection to an area extending in whole or in part over 31 States of the Union. Of course, such a comprehensive plan will necessitate the authorization of a large expenditure of money, but we ought to legislate for the permanent benefit of this wonderfully rich area which produces the agricultural products, not only to sustain the people of this country, but also contributes to the happiness and prosperity of the entire citizenship of the Nation.

Let me remind you, in conclusion, that in the settlement of our foreign obligations we remitted to the people of the European countries in interest the staggering sum of \$10,705,000,000. We should not, therefore, hesitate because of its cost to come to the relief and protection of our own citizenship in the enactment of such legislation as will result in permanent benefit to them and to the people of the entire Nation.

If this bill is enacted retaining the provisions in substance as are found in section 10, I am going to vote for it. If that section is eliminated or if combinations are made so as to emasculate the bill, either in the House or in conference, I shall take the course which my best judgment dictates when a vote is finally had in the House either upon the bill, the conference report, or the threatened presidential disapproval.

Finally, I want to insist that this responsibility is upon Congress and that we will not be meeting the expectations of the country if we do not fully assume our part of the responsibility and direct in detail this flood-control legislation.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be closed in 12 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate upon this section and all amendments thereto close in 12 minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman, ladies and gentlemen of the House, I made the statement a few days ago that I wanted to support flood-relief legislation and would vote for this bill if certain amendments were included. I believe we should adopt the pending amendment submitted by the distinguished gentleman from Nebraska [Mr. SHALLENBERGER]. It is a step in the right direction, because in the final analysis the levees and spillways are not the real solution of the flood-control problem. We have to control the waters in the tributaries if we are to give proper protection to the valley. [Applause.] I know that the great Power Trust in this country does not want the tributaries controlled and reservoirs and dams built where power may be generated, which will come into competition with their business. We should adopt this amendment and send word to the country that this Congress favors sound, complete, and effective flood control and not merely a patchwork plan.

I call attention to another amendment which I shall offer at the proper time. I propose to offer an amendment on page 5, line 12, after the word "pay," to insert:

Provided, That in no event shall the compensation paid for property used, taken, damaged, or destroyed exceed the assessed valuation for taxing purposes, plus 100 per cent of such valuation.

I think this is a reasonable amendment which every Member should support, especially those from the valley States who are constantly reminding the country that there is no pork in the pending bill.

Mr. DENISON. Why make it so large?

Mr. SCHAFER. I am making it large so that no Member of the House can vote against it because it is not large enough.

Mr. COX. Does the gentleman think that the provision would be sustained in law? Does he not recognize that it would be unconstitutional?

Mr. SCHAFER. I would rather await the opinion of the highest court of the land in respect to its constitutionality than take that of the distinguished gentleman. We have had similar limitations in legislation providing for purchase of property in the District of Columbia. We know that when the Government of the United States is in the market for property that the owners generally demand three, four, and five times the assessed valuation. There was read into the Record the other day some telegrams from great lumber and land companies showing that they would sell their land for \$10 an acre; but the telegrams indicated that they reserved the minerals and the timber. Those lands are practically valueless after the timber is taken off and the minerals reserved. With the timber on these lands I am frank to state that if we look into the assessment rolls of the various districts, we will find they are not assessed on a

value of much more than 50 cents an acre. A dollar or two an acre at the very most. Vote for my amendment when it is offered, and send the word to the country that this Congress is not going to leave the door wide open for any exploiting of the Treasury. [Applause.]

Mr. HOWARD of Oklahoma. Mr. Chairman, I am in full accord with the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER]. I have prepared and intended to offer an amendment at the end of section 10, reading as follows:

Line 20, page 10, after the word "section," add: "Provided further, That the surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act, and if said surveys made on these tributaries shall disclose any flood-control projects which in the judgment of the commission herein provided for would be effective in controlling or assisting in controlling the floods on the Mississippi River, the President is hereby empowered to include such flood-control projects as a part of the work of controlling floods on the Mississippi River, and there is hereby made available for such purpose or purposes any part of the moneys for flood control on the Mississippi River authorized to be appropriated by this act."

When it comes to real flood control in the entire Mississippi Valley, where flood control is needed just as much on one river as the other, this amendment is the most important portion of the entire bill. We who believe in a great and comprehensive plan of flood control believe that the control of the tributaries is the most important part of this work. It is from the tributaries that the waters come that cause the floods on the Mississippi. If there were no floods on the tributaries the people of the lower Mississippi would not be in peril.

We have believed and still believe that had the Army engineers given due, broad, and scientific study to tributary control through reservoirs that all the controversy that has arisen as to the cost of rights of way for spillways would have been averted, as many, if not all of them would not have been needed, and the sites for reservoirs would have been much cheaper than the rights of way for spillways. We are not yet convinced but if provisions are made, and they are made drastic enough to compel the proper study, that an honest administration of flood-control work will, to a very considerable degree, revert to the reservoir and tributary-control plan.

Why not? Experts who have studied the situation claim, and it is claimed that General Jadwin has admitted, that a reservoir plan on the Arkansas River would have reduced the flood crest of 1927 on the Mississippi from 3 to 4 feet, and those who have made surveys on the Arkansas River maintain that this could have been done for a cost of about \$70,000,000 for the Arkansas alone, and would not only have reduced flood control on the Mississippi from 3 to 4 feet, but would have insured flood control on the Arkansas and its tributaries.

This plan on the Arkansas alone would have resulted in lowering the flood crest on the Mississippi from 3 to 4 feet. Experts who have studied the question claim that the same kind and extent of control on the Ohio would have reduced the Mississippi crest from 6 to 8 feet. They also claim that by following the same plan on the Missouri River they would reduce the Mississippi crest from 3 to 5 feet.

Thus we find the situation to be: Were the reservoir and tributary plan followed on these three rivers they would have reduced the flood crest on the Mississippi in any recorded flood from 12 to 20 feet.

It is claimed, and records disclose, that if the flood crest on the Mississippi had been reduced by this amount, or one-half of this amount, all danger and damage on the Mississippi in the flood of 1927 would have been avoided. Then I inquire why not control floods in this way and make flood control on both the Mississippi and its tributaries permanent and economical?

And why should not Congress adopt the amendment just offered, for it would yet open up the way for those in charge of flood control to do it if the facts after this survey justified the findings above? This amendment in no way interferes. It makes no additional appropriation. It can do no damage and merely makes it optional, but it does do this: That should the plan of reservoirs be found feasible or partly feasible, it would avoid any delay in asking Congress for further instructions.

I hope the chairman of the committee and the Congress will see fit to accept this amendment.

Mr. O'CONNELL. Did General Jadwin make the statement the gentleman referred to before the Flood Control Committee, or was it made in some private statement?

Mr. HOWARD of Oklahoma. General Jadwin's report indicates that reservoirs would control the Arkansas River and its tributaries, and my argument is that if they will do it, what

harm can this amendment do? We appropriate no money and increase in no way the cost to the people, but we do give an alternative plan here, if the President and the engineers in charge find that they can save money and control the floods.

Mr. WINTER. The gentleman speaks of an alternative plan. He means an additional plan, does he not?

Mr. HOWARD of Oklahoma. Yes. I can see no harm in this amendment. It may be that these experts, when they get some civil engineers on the job who are not prejudiced against these reservoirs, who are not in the position of the Army engineers of having made an office survey, and when they have made a real scientific survey, will control these floods through reservoirs both on the tributaries and on the Mississippi. Let us adopt this amendment. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I would like to reiterate every good thing that has been said about the reservoir system. I think it is the ideal method of preventing floods on the Mississippi River at some time, because everybody knows that a big flood is nothing but a lot of little floods coming together at the same time.

The introduction of such an amendment is an ideal method of killing this particular piece of legislation, and therefore I hope you will vote down the amendment at this time. My original bill provided for reservoirs in a similar way, and my having it in there was the occasion of commentaries by people appearing before the committee, and was used as an excuse to belittle my bill and for saying it would cost a billion dollars, and thus wipe it off the board so far as concerns the proposition at this time.

Mr. SHALLENBERGER. My amendment is not binding on the President to spend a dollar.

Mr. REID of Illinois. No. But it permits the use of the appropriation on reservoirs and does not provide whether you will give one-tenth or do it for nothing. It is ill-advised at this time, and consequently I hope the amendment will be defeated.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. O'CONNELL. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. SHALLENBERGER: Page 3, line 14, after the committee amendment and before the word "The," insert the following: "Provided further, That whenever the President shall ascertain from the Secretary of War or other agency that floods on the lower Mississippi can be controlled and prevented by construction of reservoirs for the impounding of waters in the Mississippi River and its tributaries, the construction of such reservoirs is hereby authorized, under the direction and supervision of the Secretary of War and the Chief of Engineers, and the appropriations authorized by this act are hereby made available for such reservoir construction."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER].

The question was taken; and on a division (demanded by Mr. SHALLENBERGER) there were—ayes 107, noes 111.

Mr. LAGUARDIA. Tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. REID of Illinois and Mr. SHALLENBERGER to act as tellers.

The committee again divided; and the tellers reported—ayes 107, noes 114.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 3, line 15, after the end of section 1, add a new paragraph, as follows:

"All unexpended balances of appropriations heretofore made for prosecuting work of flood control on the Mississippi River in accordance with the provisions of the flood control acts approved March 1, 1917, and March 4, 1923, are hereby made available for expenditure under the provisions of this act except section 13."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. HASTINGS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question with reference to the fixing by the President of the salary. I invite attention to the proposed amendment on page 8, beginning with line 12 and ending with line 18. I want

to ask the gentleman whether or not that did not provide for the salaries of the commission?

Mr. REID of Illinois. One is for the board and one is for the commission.

The CHAIRMAN. Without objection, the Clerk will correct the spelling of the word "contiguous," on page 3, line 13.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 2. That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest. As a full compliance with this principle, in view of the great expenditure, estimated at approximately \$292,000,000, heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river; in view of the extent of national concern in the control of these floods in the interests of national prosperity, the flow of interstate commerce, and the movement of the United States mails; and in view of the gigantic scale of the project, involving flood waters of a volume and flowing from a drainage area largely outside the States most affected, and far exceeding those of any other river in the United States, no additional local contribution to the project herein adopted is required.

With a committee amendment.

Mr. LAGUARDIA. Mr. Chairman, a point of order.

The CHAIRMAN (Mr. Cramton). The gentleman will state it.

Mr. LAGUARDIA. It is not legislation. It is simply a declaration of sentiment and feeling. Otherwise there is no legislation in it. It is like a "whereas" clause in a resolution.

The CHAIRMAN. Unless the gentleman from New York desires to be heard further, the point of order is overruled. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 4, line 9, strike out the word "additional."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. FREAR. Mr. Chairman, what is the committee amendment?

The CHAIRMAN. The Clerk reported the committee amendment. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LUCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 4, line 10, after the word "required," strike out the comma and insert the words: "Provided, That in all cases where in execution of the flood-control plan results, in the opinion of the board created in section 1 of this act, in special benefits to any person or persons, or corporations, municipal or private, or public-service corporations, such benefit shall be assessed upon the property benefited and shall constitute a lien thereon, and shall be collected by such proceedings as the Secretary of War may prescribe, which proceedings shall provide for deferred payments to such extent as may be deemed just and reasonable under all the circumstances."

Mr. REID of Illinois. Mr. Chairman, I reserve a point of order against the amendment.

Mr. LUCE. Mr. Chairman, the injection of what may at first blush seem a novel proposal into the consideration of a bill of this sort at this stage does not invite speedy acceptance, I well realize, but possibly later in the journey of the measure the proposal may receive adequate consideration, if that is impossible now. But the suggestion is not wholly novel. In section 4, which we are told will disappear from the bill, there is essentially this proposal but applying only to such lands as might in part be taken. This is the principle of betterments. There is no logical reason why the principle of betterments should apply only to land to be taken in part and not apply to adjacent land, chancing to be outside the limits of the actual construction. It has been in my State for 60 years an accepted principle, one now become a political and social habit, that the unearned increment accruing to private owners of property as a result of public improvement shall be taken by the community to reduce the cost of that improvement.

Mr. DENISON. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. DENISON. Before the improvement is undertaken in your State, is it not submitted to a vote of the people?

Mr. LUCE. The improvement itself?

Mr. DENISON. Yes.

Mr. LUCE. Oh, by no means.

Mr. DENISON. Does the gentleman maintain that this Government can provide an assessment in one State for an improvement done in another without consulting the people themselves, and that that can be made a lien upon property in another State and their property taken from them if they do not approve it?

Mr. LUCE. I maintain that the practice is constitutional in those of the States that follow it and that it is constitutional for the Federal Government to say that unearned increment shall not accrue to private owners of property as the result of public improvement. That may be presumed to have been the justification for putting it, in part, into section 4.

Mr. BLACK of New York. Will the gentleman yield?

Mr. LUCE. I yield.

Mr. BLACK of New York. Does the gentleman contend that it is constitutional for the Government to levy a direct tax on any real estate?

Mr. LUCE. I do not admit that this is a tax. This is what is known in various States of the country as a special assessment. I am told by an Indiana Member that in his State the benefits that result from drainage undertakings are assessed not only in the case of the bottom lands but also that the assessments go away up into the hill lands, and no man is allowed to benefit unrighteously by the expenditure of public money. The gentleman who told me this thought the same system prevailed in Illinois and in some of the other Western States.

Mr. DENISON. Of course, that system prevails, but before an improvement is undertaken there must be a vote or a petition signed by a certain number of the people whose land is affected. The Government can not undertake an improvement and impose a burden upon property without consulting the people.

Mr. LUCE. I think the gentleman discloses lack of familiarity with the principle as we have applied it in New England to the great benefit of the community and with fair play to all concerned. Now, let me get down to the concrete facts.

Mr. McSWAIN. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. McSWAIN. If the amendment should be enacted into law, I wish to suggest to the gentleman the propriety of requiring that the Secretary of War shall give notice to all parties whose lands may be affected by a lien to show cause why there may not be an assessment made in compensation for betterments, so they may have had their day in court and the question of constitutionality may then not be raised.

Mr. LUCE. The amendment is necessarily brief, for I did not desire to include the whole law of betterment or special assessment, but I was proceeding on the expectation that the Secretary of War, with the advice of the Attorney General, would go ahead in a constitutional and legal manner.

Mr. COX. Will the gentleman yield?

Mr. LUCE. I yield to the gentleman from Georgia.

Mr. COX. Is the gentleman contending that the Federal Government has a revenue-raising power which it can exert as against the States?

Mr. LUCE. I do not concede that this is a revenue-raising power.

Mr. COX. The amendment of the gentleman provides that the principle of benefit assessments shall be exercised.

Mr. LUCE. I do not concede it is an exercise of the taxing power. It is the exercise of the right to take away from those who have not earned it money that would otherwise go into their pockets.

Mr. COX. But certainly the gentleman is not contending that the Federal Government can exercise any such power as against the States.

Mr. LUCE. It is not the exercise of taxing power against the States. This does not require a local contribution or a local levy of any sort. It says to the great lumber company that is going to get a million dollars increase in the value of its land, "You have not earned this \$1,000,000, and it should go into the Public Treasury to pay for the cost of the improvements."

Mr. COX. Certainly the gentleman does not contend that the Federal Government can exercise any such power.

Mr. LUCE. I absolutely do so contend. It was put into the fourth section of the bill. Why did the gentlemen who put it in the fourth section permit it to go there if we could not exercise that power?

Mr. COX. The gentleman is entirely in error.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word. I want to submit a question to the gentleman from Illinois [Mr. MADDEN], if I may have his attention. I would like to ask the gentleman if he can state to the committee just how much additional appropriation we carried in the amendment of the gentleman which appropriates unexpended balances of the past?

Mr. MADDEN. It is just the unexpended balance of the appropriation for flood control which we have been making of \$10,000,000 a year. We have now \$10,000,000 pending.

Mr. SHALLENBERGER. Can the gentleman state how much money that would add to the \$325,000,000?

Mr. MADDEN. I think it would add \$10,000,000, or very close to it.

Mr. BANKHEAD. Mr. Chairman, I understand a point of order has been reserved to the amendment.

Mr. REID of Illinois. Mr. Chairman, I withdraw the point of order.

Mr. GARRETT of Tennessee. Mr. Chairman, I renew the point of order. I do not care to discuss it, but I make the point of order it is not germane to the section.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Massachusetts on the point of order.

Mr. LUCE. Mr. Chairman, the first consideration in the matter of this point of order is that the whole subject is thrown open by the stump speech that makes up 95 per cent of the section. That part of the bill has no place in the law. We regularly strike out preambles. We do not ordinarily put reasons and arguments into our legislation, but when we do try to put them into the law itself we open wide the whole subject with such an academic expression of opinion and such a statement of historical fact as here appears. This sort of thing invites litigation and then controversy every time the statute comes into court. Now, gentlemen, when you opened the door wide you invited every kind and type of amendment. This is the first answer I shall make to the point of order, and it is the case of the King of France going to the French city and the council coming out and apologizing because the mayor did not present himself. They said the first of 10 reasons was that the mayor was dead. This first of the 10 reasons why this section is open to amendment in any particular relating to the whole subject suffices, in my judgment, and there is no need to give the rest.

If it is not to be opened to amendment in this particular, possibly when section 4 is reached the amendment may be renewed and may receive further consideration by the committee.

Mr. NEWTON. Will the gentleman yield there?

Mr. LUCE. Yes.

Mr. NEWTON. I will call the gentleman's attention to lines 19, 20, 21, 22, and 23, and the broad language used there which calls attention to the special interest of the local population. That certainly ought to form some basis for the gentleman's amendment.

Mr. LUCE. And I would add to that pertinent consideration by calling your attention to this other language, adequate as a basis for proposing an amendment of this sort:

As a means of preventing inordinate requests for unjustified items of work having no material national interest.

The demands of certain corporations interested in the lands of this valley might be inferred from the words, "unjustified items of work," and "inordinate requests" might be construed to cover the whole proposition.

The CHAIRMAN (Mr. LEHLBACH). The Chair is ready to rule. The first sentence of section 2 reads as follows:

SEC. 2. That it is hereby declared to be the sense of Congress that the principle of local contribution toward the cost of flood-control work, which has been incorporated in all previous national legislation on the subject, is sound, as recognizing the special interest of the local population in its own protection, and as a means of preventing inordinate requests for unjustified items of work having no material national interest.

After a further recital the section continues that in view of the gigantic scale of the project, and so forth, no additional local contribution to the project herein adopted is required. By committee amendment the word "additional" is eliminated.

The amendment offered by the gentleman from Massachusetts [Mr. LUCE] provides for the assessment of special benefits accruing to any persons, corporations, municipal or private or public service corporations, and provides that the assessment of such benefits upon the property benefited shall constitute a lien thereon. The point of order is that this provision is not germane to the subject matter of section 2. Without going exhaustively into the question, the Chair deems the amendment in furtherance of the declaration of policy in the first part of

the section and hence germane. He therefore overrules the point of order. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. LUCE) there were 87 ayes and 90 noes.

Mr. LUCE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. LUCE and Mr. REID of Illinois.

The committee again divided; and the tellers reported that there were 110 ayes and 118 noes.

So the amendment was rejected.

Mr. FREAR. Mr. Chairman, I move to amend by striking out of section 2 all after the words "national interest," in line 23.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FREAR: Page 3, line 23, after the word "interest," strike out the remainder of the section.

Mr. FREAR. Mr. Chairman, I concur in the statement that section 2 is largely a stump speech. This policy of contribution has always been pursued by the Government in regard to flood control. It is pursued in case of the Sacramento proposition in this same bill and it ought, to my mind, to be continued.

The second part of the project is of the same character and I will point it out. It says:

As a full compliance with this principle in view of the great expenditure estimated at approximately \$292,000,000 heretofore made by the local interests in the alluvial valley of the Mississippi River for protection against the floods of that river.

That is money spent for levees. During the course of 50 years, or it may be 100 years, of such expenditure it does not state anything with regard to how much they benefited by that expenditure. They may have had in crops and other benefits a hundredfold that amount. I do not know that anyone knows the fact. It seems to me it has no relation and we ought not to prejudice a good principle by that provision. By striking it out it interferes in no way with the other parts of the section.

I do believe, as the gentleman from Massachusetts [Mr. LUCE] declared on the floor, that on every occasion where it can be made, where the Government goes in and puts in money and permits the local States to benefit, those benefits should be charged to them. The fact is that the committee was so strongly in favor of the amendment of the gentleman from Massachusetts that we almost passed it with over 100 votes. I am in favor of contribution.

Mr. BANKHEAD. Would not it put us in a ridiculous attitude for the committee to adopt the gentleman's suggestion—striking out the latter part and leaving in the first part, that we do believe in local contribution?

Mr. FREAR. I am willing to strike it all out.

Mr. RAINEY. Mr. Chairman, the narrow escape the bill had from complete destruction a few minutes ago emphasizes the fact that the friends of this legislation ought to remain on this floor. A proposition socialistic in the extreme, and not dreamed of by any advocates of the single-tax system, narrowly escaped incorporation in the bill. It was only defeated in the committee by seven or eight votes. The speech of the gentleman from Massachusetts introducing the proposition itself was made the vehicle for another insinuation that somewhere in these spillways which are to receive the surplus flood of this river—somewhere there is a lumber company which may profit to the extent of a million dollars by the adoption of this bill with its provision for spillways.

Mr. LAGUARDIA. What is the name of the lumber company?

Mr. RAINEY. There is no such lumber company. The insinuation was that somewhere there is a lumber company which may profit greatly and to the extent suggested by the gentleman from Massachusetts if this bill becomes a law.

I challenge that statement and all similar statements that there are lumber companies in these proposed spillways which will recover enormous sums of money if the plan is adopted. The statement was made early in this debate by the gentleman from Wisconsin [Mr. FREAR] that there are lumber companies, namely, the Tensas Lumber Co., operating in the Cypress Creek spillway, owning 225,000 acres of land, and other great lumber companies were enumerated in that particular indictment of this bill.

Mr. WILSON of Louisiana. Mr. Chairman, if the gentleman will yield, in order to keep the Record straight, the Tensas Delta Land Co. is not a lumber company.

Mr. RAINEY. I thank the gentleman for his contribution to the facts. After the publicity had gone out over the country that these companies were to profit and to obtain all the way

from \$50 to \$75 an acre for their land, then the telegrams commenced to come from these companies addressed to the gentleman from Louisiana [Mr. WILSON]. He commenced to put them in the Record, and we were surprised to learn that the Tensas Land Co. insisted that its lands, the fee to its land, timber rights, mineral rights, if there are any, everything of value connected with the land, was not worth to exceed \$10 per acre, and much of it was not worth to exceed \$5 an acre.

Mr. SCHAFER. Those telegrams incorporated in the Record do not indicate that \$10 an acre included the mineral and timber rights. The telegrams specifically exempted those rights.

Mr. RAINEY. Oh, what the gentleman thinks he knows about flood control would fill a great many volumes, but what the gentleman does know would not fill one.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN? Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. SCHAFER. The Record will speak for itself as between the accuracy of my statement and the statement of the gentleman from Illinois.

Mr. RAINEY. I yielded only for a question. What does the Government want with coal 60 feet under ground, when it simply wants to run water over the surface of the ground? What does the Government want with timber standing on the ground when it only wants to run water through the timber on the way down to the Gulf? But the gentleman from Wisconsin [Mr. SCHAFER] is continually injecting into this debate, no matter what the facts are, no matter what the companies are willing to take for their land, that they all retain the mineral and timber rights. What in the world does the Government want with coal and the minerals and the timber in order to flow water through the timber and over the land down to the lower part of the river and on to the Gulf?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. I can not yield for the present. I understand that in this spillway where the Tensas Land Co. operates there are 3,750,000 acres of timberland. The gentleman from Louisiana [Mr. WILSON] has already received telegrams and has placed them in the Record, accounting for perhaps 600,000 acres of that land. Those telegrams fix the value of the flowage rights over all of it. Nobody can substantiate the extravagant amounts that the gentleman claims were demanded for this land, \$50 and \$75 an acre, at the opening of this debate.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. MADDEN. I wonder if my colleague is right when he says that all that they demand of the Government is the cost of the flowage rights. My understanding is, and I may be wrong, that they are demanding that the Government shall buy the title to the land. If that is true, there is quite a difference as to what it will cost.

Mr. RAINEY. If that is true, that would make some difference, but if that is true the title to this land could not be worth over \$5 or \$10 an acre. It is worth only one-seventh as much as the House has been told it was worth.

Mr. MANSFIELD. And in that case the mineral and timber rights would not be reserved.

Mr. WILSON of Louisiana. The flowage rights would be bought, except such land as may be necessary for the construction of the levees.

Mr. FREAR. Does the gentleman contend that the flowage rights of these 4,000,000 acres can be purchased for \$5 to \$10 an acre?

Mr. RAINEY. For the land itself. That can be purchased at \$10 or \$5 an acre. That is what the telegram of the Tensas Co. stated, and this is the largest of these land companies which were subjected to a most vigorous indictment by the gentleman from Wisconsin.

Mr. FREAR. But the testimony in our committee was entirely to the contrary.

Mr. RAINEY. The telegram is of record and that settles it, and that company would be bound by its statement and could not get out of it, and all these other companies have values fixed for them by these numerous telegrams.

Mr. WILLIAM E. HULL. All they want on these flowage rights is an easement.

Mr. RAINEY. Yes.

Mr. WILLIAM E. HULL. And if a man refused to give that easement, they could flow the water over it anyway, could

they not, and then he would have to come to the court for damages?

Mr. RAINEY. I think, perhaps, with the collaboration of States a condemnation proceeding might be brought which might accomplish that.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

Mr. REID of Illinois. Mr. Chairman, pending that, I ask unanimous consent that debate upon the pending section and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes additional. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. I yield.

Mr. COX. The estimate in relation to flood ways is substantially correct except as to the land included in the New Madrid set-back.

Mr. DRIVER. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. DRIVER. I want to call attention to the fact that the highest estimate on the acreage of the flood ways in Louisiana and Arkansas is 2,150,000 acres, and that of New Madrid 170,000 acres, and not 3,000,000 or 4,000,000 acres.

Mr. RAINEY. Now I want to add just one contribution to the letters and telegrams that have gone into this record from timber-owning companies in these flood ways. The assertion was made that ex-Senator Lorimer, of Illinois, was interested in this proposition, that his company controlled a large amount of timberland in the Cypress Creek spillway, and that his company occupied offices in the same office building as that occupied by the Tensas Land Co., although the name of the building was not stated—the Illinois Merchants National Bank Building. It is true the offices of his company are located in that building. At least 5,000 people have offices in that building; perhaps as many as 10,000 people.

The officials of the Tensas Land Co. have stated that they have not even heard of Mr. Lorimer's company. It has been insisted that Mr. Lorimer's company will profit, and that is the reason for his concern or interest in this legislation.

I know what his concern and interest is. His interest in the problems of the Mississippi River was well understood in this body during the 14 years he has served here and during his entire career. He is here representing the Chicago Flood Control Conference. I have here a letter addressed to me, which I will put in the Record, in which he states that his company will give the flowage rights on his land. That ought to cover it. Mr. Chairman, I ask unanimous consent that the letter be read by the Clerk.

Mr. LaGUARDIA. Will the gentleman connect or couple the offer to give the flowage rights for the land with an acceptance of the offer right now?

Mr. RAINEY. Oh, yes. If you want to accept it and will introduce a germane amendment to that effect, I will favor it. I will vote for it.

Mr. Chairman, I ask that the letter be read in my time.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read a portion of the letter.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. May I have one minute more in which to finish the reading of the letter?

The CHAIRMAN. Is there objection?

Mr. FREAR. I will have to object, unless I can answer it in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? Without objection, the Clerk will read.

There was no objection.

The Clerk continued to read the letter.

Mr. FREAR (interrupting the reading). Mr. Chairman, I make a point of order against it. I move that that be stricken from the Record.

The CHAIRMAN. The gentleman from Wisconsin makes a point of order against a certain portion of the letter. Has the gentleman any other motion to make?

Mr. FREAR. I move that it be stricken from the Record.

The CHAIRMAN. The entire letter?

Mr. FREAR. The entire letter.

Mr. RAINEY. Can the Chair give me an opportunity to be heard on the point of order?

The CHAIRMAN. It must be taken up in the House.

Mr. FREAR. Mr. Chairman, I ask that the words be taken down.

The CHAIRMAN. The gentleman from Wisconsin asks that the words be taken down. The words being written, the Clerk will report them.

The Clerk read the passage in the letter that was objected to.

Mr. RAINEY. Mr. Chairman, may I be heard?

The CHAIRMAN. There can be no business transacted until the committee rises and reports to the House.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, reported that by unanimous consent the reading clerk in the committee was proceeding to read a letter into the Record in the time of the gentleman from Illinois [Mr. RAINEY], whereupon the gentleman from Wisconsin [Mr. FREAR] made the point of order that the language in the letter was unparliamentary and demanded that the words be taken down, that the words were taken down, and were read by the Clerk.

The SPEAKER. The Clerk will report the words to which exception is made.

The Clerk read the words objected to.

Mr. FREAR. Mr. Speaker, the only reason I moved to strike this from the Record—and do so move—is because of other insinuations that occurred before, and I thought there should be an end to them. They have been continually followed in this letter. Of course, I knew nothing about the contents of the letter until it was read. I do not dispute the facts, but I move that the personal allusion to me in the letter be stricken from the Record.

Mr. RAINEY. Mr. Speaker, may I have that letter for a minute?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. FREAR. Surely.

Mr. RAINEY. Mr. Speaker, this letter contains merely statements of fact.

Mr. FREAR. It may be considered as containing statements of fact when it reflects upon me, as it does, but I do not concede that.

Mr. SCHAFER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. The gentleman from Illinois [Mr. RAINEY] is out of order. He stated that the letter contained nothing but statements of fact when it reflects upon the gentleman from Wisconsin [Mr. FREAR]. Therefore, the gentleman is out of order, as his language is unparliamentary.

Mr. LaGUARDIA. Mr. Speaker, I make the point of order that under the rules of the House, when a point of order is made that unparliamentary language has been used and a request is made for the words to be taken down and the matter referred to the House, the offending Member must take his seat and remain seated until the matter is disposed of.

The SPEAKER. The gentleman from Wisconsin has made a motion. He is entitled to an hour and has yielded to the gentleman from Illinois.

Mr. RAINEY. And the gentleman from Illinois is proceeding to occupy as much time as he may need.

Mr. FREAR. I refuse to yield further if that be the attitude of the gentleman from Illinois.

Mr. RAINEY. Mr. Speaker, I have the floor.

The SPEAKER. No. The gentleman from Wisconsin has been recognized by the Chair to offer a motion to strike a letter from the Record. The gentleman from Wisconsin has the floor for one hour.

Mr. RAINEY. And has yielded to me.

Mr. FREAR. I refuse to yield further.

The SPEAKER. The gentleman from Wisconsin is within his rights. The gentleman must take his seat. The gentleman from Wisconsin is recognized.

Mr. FREAR. Mr. Speaker, I do not know what the latitude may be in discussing this question. I will say to my distinguished friend from Illinois [Mr. RAINEY] that he and I rarely find any serious question of difference, but I do wish to make this brief statement to the House in reference to Mr. Lorimer and I make it without any exaggeration. I feel the House is entitled to the facts at this time. From the day that we had our first hearing the ex-Senator from Illinois Mr.

Lorimer, has been in constant attendance in our committee, up to and including Saturday last, when he came out—

Mr. BANKHEAD (interposing). Mr. Speaker, I raise a point of order. The gentleman from Wisconsin who now occupies the floor has taken exception to certain language quoted from a letter which was being read from the Clerk's desk. The gentleman, under the rules, is entitled to discuss that offensive language, and explain to the House wherein the language in itself is offensive, but I say that under the rules he is not entitled to go into various statements of fact involved in this whole controversy with Mr. Lorimer. I make the point of order that he should be confined in his remarks to an explanation or a statement with reference to the offensive language.

Mr. FREAR. I am endeavoring to keep within the rules, Mr. Speaker.

The SPEAKER. The Chair thinks the gentleman should proceed to discuss his motion, which is to strike out certain language that is offensive to him.

Mr. FREAR. I wanted to give the basis for it. I have made no statement in regard to Mr. Lorimer, such as he suggests. It was reported to me that he had an office in the same building, in Chicago, that he had lumber interests, as we knew, small though they may be, that this other company had offices in the same building, with 226,000 acres, and he had been in such constant attendance that I had a right, I felt, to make the statement that they were there together.

I did not make any statement beyond that. Although he has been in constant attendance here, I have never charged him with doing anything unfair or dishonest whatever the facts or anything of that kind, but he does make a charge about me, as he says, if I can understand it. I am frank to say that I concede he is a very clever, very shrewd man, the way he has phrased his letter, and I contend it is an unfair insinuation against me. I have tried to conduct this whole flood-control matter fairly with the House and with every Member of it, and this man has sat here in the House on the floor every day, a very unusual proceeding.

Mr. RAMSEYER. Will the gentleman yield?

Mr. FREAR. Yes.

Mr. RAMSEYER. The motion the gentleman has made, as I understood it, goes to the striking of the entire letter from the Record?

The words that were taken down in committee constituted the language to which the gentleman objected as being offensive. Why would it not be better to limit the motion to the offensive language?

Mr. FREAR. The gentleman was not listening to the other part of the letter which I passed over and was perfectly willing to let go by until a later and renewed reflection was made upon me, and I felt that the entire letter ought to be stricken from the Record for the same reason I would vote in the case of any Member of this House if anyone on the outside wrote such a letter about him.

Mr. RAMSEYER. The gentleman does not claim that the entire letter—

Mr. FREAR. Not so far as the facts are concerned, but so far as the personal allusions are concerned.

Mr. RAMSEYER. The gentleman does not claim that the entire letter tends to reflect on him?

Mr. FREAR. Not the entire letter, but the insinuations throughout the letter where he mentions my name.

Mr. BANKHEAD. Will the gentleman from Wisconsin yield?

Mr. FREAR. Certainly.

Mr. BANKHEAD. Did not the gentleman confine his objection to the language which he requested to be taken down and which was read from the Clerk's desk?

Mr. FREAR. No; I said—

Mr. BANKHEAD. Under the rule that is all the gentleman had the right to except to.

Mr. FREAR. The gentleman from Alabama can discuss that later, but the gentleman asked me what I did. In view of the preceding language which led up to this statement, and in view of the constant reiteration regarding myself, I asked that the letter be stricken from the Record. If I am not entitled to do that—

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Wisconsin yield for a parliamentary inquiry?

Mr. FREAR. No; not until I have made my statement.

As I have said, based upon that, I made a motion that the letter be stricken from the Record. If I am not entitled to make that motion, that is a matter that is subject to a point of order.

Mr. O'CONNOR of New York. Will the gentleman yield for a parliamentary inquiry?

Mr. FREAR. I yield. Is the gentleman addressing me or the Speaker?

Mr. O'CONNOR of New York. I wish to submit a parliamentary inquiry to the Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. O'CONNOR of New York. Do I understand that the motion before the House is to strike the entire letter or is the motion confined to the taking down of certain words which were read by the Clerk?

The SPEAKER. The motion of the gentleman from Wisconsin, as the Chair understood, was to strike the entire letter from the Record.

Mr. O'CONNOR of New York. Mr. Speaker, I do not believe the record before the House would justify that view because I never heard a motion to strike the entire letter from the Record. The words were taken down in the committee and reported back to the House, and I understood that was the only motion made.

The SPEAKER. The Chair thinks under the circumstances the gentleman from Wisconsin has the right to make the motion. The Chair has since read the letter and there are a number of sentences in it which convey—well, a rather unpleasant attitude.

Mr. FREAR. Mr. Speaker, it is discursive and abusive.

The SPEAKER (continuing). And the Chair thinks it is for the House to decide whether to support the motion of the gentleman from Wisconsin or not. The Chair thinks the motion is in order, and the House will be called upon to vote whether or not to strike the entire letter from the Record.

Mr. LAGUARDIA. Will the gentleman from Wisconsin yield?

Mr. FREAR. I yield to the gentleman from New York.

Mr. LAGUARDIA. Will the gentleman kindly inform the House why it is that in a bill of such national importance this man Lorimer, a former Representative—I refuse to call him Senator—why former Representative Lorimer is so prominent in this measure? Can the gentleman give us that information?

Mr. FREAR. That relates to a fact; and, of course, I am not supposed to dwell on facts here, I am simply expected to speak for myself, I suppose.

Mr. REID of Illinois. Will the gentleman yield so that I may submit a parliamentary inquiry?

Mr. FREAR. I yield to the chairman of the committee.

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Illinois?

Mr. FREAR. I yield to the gentleman from Illinois.

Mr. REID of Illinois. I want to make a point of order, Mr. Speaker, in the time yielded to me. The committee rose for the purpose of acting upon certain objectionable words that were taken down. After this was done we came into the House and find an entirely different situation, because a motion is now being made to strike the entire letter from the Record, which is a different purpose from the one which the committee had in mind when it rose. I want to object to any further proceedings other than those for which the committee rose and ask the regular order.

Mr. LEHLBACH. Mr. Speaker, may I address myself to the point of order made by the gentleman from Illinois?

The SPEAKER. Yes; the Chair will be pleased to hear the gentleman.

Mr. LEHLBACH. The Chairman of the Committee of the Whole House on the state of the Union reported that a letter was being read to the committee at the instance of the gentleman from Illinois [Mr. RAINEY]; that a point of order was made that the letter contained objectionable language, and that language was taken down and reported to the committee and reported to the House. Now, it is thoroughly competent for the House, in its discretion, to strike the letter carrying the offensive language from the Record.

The SPEAKER. The Chair thinks so.

Mr. REID of Illinois. The point of order I make is that that is not the purpose for which the committee rose.

Mr. LEHLBACH. But the House can do as it pleases about that.

The SPEAKER. The Chair just a moment ago gave it as his opinion that it is for the House itself to decide whether to strike the letter from the Record or not. The gentleman from Wisconsin, the Chair thinks, is proceeding in order.

Mr. FREAR. Now, let me take a moment to finish my statement.

The letter as read contained reflections upon me. The gentleman from Georgia [Mr. CRISP] is very fair generally, and if the statement had been made about the gentleman from Georgia [Mr. CRISP], I would have immediately resented it. I passed the matter over for the first two or three insinuations and then when I saw the whole letter was of that character—and I am very sorry the gentleman from Illinois [Mr. RAINEY] insisted on reading it here—I then objected and asked that the whole

letter be stricken from the RECORD, not because of these words alone but because of the words that preceded as well.

Mr. CRISP. Will the gentleman from Wisconsin yield to me for a parliamentary inquiry?

Mr. FREAR. I yield to the gentleman from Georgia.

Mr. CRISP. Mr. Speaker, the gentleman has yielded to me for a parliamentary inquiry of the Chair. I do not care to express any opinion as to this immediate controversy, but I do want to call the Chair's attention to this matter as a precedent and to address a parliamentary inquiry to the Chair after the Chair has thought about the matter a moment.

This whole matter comes before the Chair by reason of the fact that the committee automatically rises to report to the Chair that during the debate unparliamentary words were read. The committee did not rise on motion. The committee rose automatically to report to the Speaker that there had been a violation of the rules as to the decorum of debate.

Now, Mr. Speaker, it seems to me under those conditions the first thing the Speaker must decide is whether or not the words are unparliamentary. If they are, then I grant you that it is in order for the House to take such action as it sees fit to purge the RECORD.

But, Mr. Speaker, think of this: The Committee of the Whole is considering a very important piece of legislation—the flood control bill. Some Member calls another to order for words spoken in debate that are claimed to be unparliamentary. The committee does not rise on a motion, but rises automatically to report to the Speaker. The Speaker has not passed on whether those words are a breach of the rules of debate. What is the practical effect of it? Any gentleman can, by calling another to order, get the committee to rise, get recognition for an hour and discuss a matter that may be perfectly foreign to the bill the committee was considering.

Therefore it seems to me that before this matter can come up the Speaker must decide whether, in his judgment, there has been a breach of the rules in debate. If so, the gentleman is entitled to recognition, and the House can take such action as it sees fit.

Mr. DENISON. Will the gentleman yield?

Mr. CRISP. Yes.

Mr. DENISON. Does not the gentleman think that in this kind of a case the only question before the House as distinguished from the committee is on the words that were taken down?

Mr. CRISP. Unquestionably, the Speaker is not supposed to know what transpired in committee. When the committee rises automatically the Chairman of the Committee of the Whole House on the state of the Union informs the Speaker what has transpired, and then if the Speaker rules that the words were parliamentary the committee would automatically go back into Committee of the Whole House on the state of the Union and consider the bill they were considering when it rose. If the Speaker decides that the words were unparliamentary it is up to the House to take such action as it sees fit.

Mr. RAINEY. Mr. Speaker—

Mr. SCHAFER. Mr. Speaker, I make the point of order that the gentleman from Illinois is out of order.

The SPEAKER. The gentleman is out of order unless the gentleman from Wisconsin yields to him.

Mr. FREAR. I wish to make a statement and do not yield.

The SPEAKER. The Chair is clear in his own mind as to what the situation is. The Chair could not be imputed with ignorance, because the Chair was present and heard the words uttered, and the fact that the Chair recognized the gentleman from Wisconsin carries with it the necessary implication that he regarded the words as not parliamentary. The gentleman from Georgia is right, that the Chair must decide in the first place whether the words taken down are unparliamentary or not. The Chair did not announce in so many words, but the fact that he recognized the gentleman from Wisconsin implied that he regarded the words of an unparliamentary nature and allowed the gentleman to move that they be stricken from the RECORD.

Mr. FREAR. Mr. Speaker, let me say in answer to the gentleman from Georgia that statements were made in the letter that were clearly objectionable but I let them go by expecting there would be an end of it, and then the final objectionable remark came and I made the motion. Suppose the letter, in addition to what it did say—suppose it contained more and more of the same character. Am I obliged in each case to ask that the words be taken down and have the committee refer the matter each time to the House? To avoid that situation I took what I supposed was the proper course and moved that it be stricken from the RECORD. The fact is the Speaker had access to it and knows what it contains.

Mr. GARRETT of Tennessee. Will the gentleman yield to me?

Mr. FREAR. Certainly.

Mr. GARRETT of Tennessee. If the gentleman will yield, I think the matter can be settled in a moment if he will yield to the gentleman from Illinois [Mr. RAINEY].

Mr. FREAR. I will yield.

Mr. RAINEY. Mr. Speaker, I will say that I am sorry that the gentleman from Wisconsin was offended by any statement in the letter. I will simply read that part in which Mr. Lorimer proposes to give the right of way over his land.

Mr. FREAR. Let me supplement that statement by saying that in our Flood Control Committee some such remark was made by Mr. Lorimer—there is no question about that.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to withdraw the letter.

The SPEAKER. The gentleman from Illinois asks unanimous consent to withdraw the letter. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, I withdraw my motion.

The SPEAKER. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The House is again in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3740, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last two words.

Mr. RANKIN. Mr. Chairman, a parliamentary inquiry. The gentleman from Illinois [Mr. RAINEY] had the floor when the committee rose.

The CHAIRMAN. The gentleman's time had expired and he asked unanimous consent for sufficient time in which to read the letter. The letter having been withdrawn, the time has expired. The gentleman from Wisconsin is recognized.

Mr. SCHAFER. Mr. Chairman, I shall not take up much of the time of the House at this time, but merely want to reply in part to the statements made by the gentleman from Illinois [Mr. RAINEY]. He was proceeding under debate and called to the attention of the committee that these great lumber companies had sent telegrams offering their property for spillways at sums of from \$5 to \$10 per acre, and that the offer included the minerals and the timber. In order to keep the RECORD straight I asked him to yield and he did yield. I called his attention to the true facts in the matter, that these offers of the lumber companies of \$5 and \$10 an acre did not include the mineral rights or the timber. He then told the House that the timber and the mineral rights did not mean anything. Of course, the great natural resources of this Nation may not mean anything to distinguished Democrats, such as Mr. Doheny, who believed the Government had no interest in the oil resources of the country. Perhaps the timber and mineral resources, including coal, do not mean anything to the distinguished gentleman from Illinois [Mr. RAINEY], but they do mean something to me and the American people. In view of the fact that he inferred that I did not understand anything about this flood control bill, I rose for these two minutes to keep the RECORD straight. The RECORD clearly shows that it was necessary to correct the gentlemen from Illinois in order to keep before us the true facts concerning the telegrams of the great land and lumber companies. [Applause.]

Mr. LA GUARDIA. Mr. Chairman, I offer the following amendment to the amendment of the gentleman from Wisconsin, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. LA GUARDIA to the amendment offered by Mr. FREAR: Page 3, beginning with line 16, strike out all of section 2 down to and including the word "interest" in line 23.

Mr. LA GUARDIA. Mr. Chairman, this would strike out the entire section 2. I think it is apparent to the House that no matter how careful we may be in following the rules of the House, no matter how parliamentary we may be in the choice of the language used in discussing this bill, the American people will know that certain people with an unsavory political past are vitally interested in the land features of this bill. The more we discuss it, the more we go into it, the more the fact will come out that the one proposition on which we are divided is the matter of this land and the machinery whereby the Government will acquire it and have to pay excessive and exorbitant prices for the land. The gentleman from Illinois [Mr. RAINEY], who is always lucid and clear, I can not understand on this occasion. He first takes the floor and points out that there are no lumber companies interested, and then he proceeds to tell that we received telegrams from lumber com-

panies. The gentleman from Louisiana [Mr. WILSON] points out that the land in the lower part of the valley is worth only \$5 to \$7.50 an acre, and when he is pressed by some of his colleagues he says in another part of his statement that most of the land is highly cultivated.

Mr. WILSON of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. WILSON of Louisiana. I did not make the statement. I simply placed in the RECORD the telegrams from the various companies, the people whose names have been connected with the RECORD and who it was publicly stated were expecting \$75 an acre for their land, to show exactly what they asked.

Mr. LA GUARDIA. But the gentleman said that 60 per cent of the land was under cultivation.

Mr. WILSON of Louisiana. I said that in the Boeuf spillway 60 per cent of the land is under cultivation.

Mr. LA GUARDIA. What is that land worth?

Mr. WILSON of Louisiana. No statement has been put into the RECORD as to its value. The question was asked about its assessed value, and I stated that the engineering commission examining it said that the average value of the land in these flood ways was \$23 an acre.

Mr. LA GUARDIA. Assessed value?

Mr. WILSON of Louisiana. Actual value. I do not know what the flowage rights would be, but the evidence I put in as to the value of this property was direct from the people who own the property as to what they would take.

Mr. LA GUARDIA. Exactly; and do not you see that by adopting the program such as is contemplated in this bill, with 4,000,000 acres of land to be taken, if necessary, for flood ways and spillways, that we have not even passed the bill before the value of the land has jumped from \$5 and \$10 an acre to \$23 and then to \$50 and \$75 an acre? There are some gentlemen right now in the gallery waiting for a rise in value.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. LA GUARDIA. Yes.

Mr. COX. Do I understand that the gentleman is contending that if the Government acquires an interest in this land it will have to take it at the exaggerated value placed upon anticipated improvements?

Mr. LA GUARDIA. Oh, no; awards would be made under condemnation.

Mr. COX. I would like to make this statement—

Mr. LA GUARDIA. I can not yield. I am familiar with the law on the question.

Mr. COX. If the gentleman is familiar with the law, what is it?

Mr. LA GUARDIA. It has to go to condemnation and an award must be made; but let me say to the gentleman that in fixing the award it is necessary to take into consideration the assessed value, the market value, the return on the land, the future prospective profits of the land, which, I fear, will take in contemplation the very proposed improvements we here provide.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The time for debate upon this section and all amendments thereto has been fixed by the committee.

Mr. COX. Mr. Chairman, I ask for recognition on the amendment.

Mr. FREAR rose.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. FREAR. Mr. Chairman, I have been asking for recognition for some time.

The CHAIRMAN. The Chair is endeavoring to divide the time equally and alternately between the two sides. The gentleman from Georgia is recognized.

Mr. COX. Mr. Chairman, I want to answer the argument that the gentleman from New York [Mr. LA GUARDIA] has just made. It is a repetition of an argument made by other Members of the House during this debate. The argument is, if this bill passes with a provision that the Federal Government shall acquire an interest in lands necessary for rights of way, it will have to take it at a valuation based upon an anticipated public improvement.

I want to say, and particularly for the benefit of the gentleman who has just addressed the House, and who knows the law, that the Supreme Court of the United States in the case of the United States v. The Chandler-Dunbar Co. (229 U. S. 55), made this holding:

One whose property is taken by the Government for improvement of navigation of the river on which it borders is not entitled to the probably advanced value by reason of the contemplated improvement. The value is to be fixed as of the date of the proceedings.

[Applause.]

Mr. FREAR. Mr. Chairman, speaking to the amendment offered by the gentleman from New York [Mr. LA GUARDIA]—he amended the amendment I offered by striking out the section—he calls attention to the fact that my statements were criticized by the gentleman from Illinois [Mr. RAINEY] as to values of land in the flood ways, and by the gentleman from Louisiana [Mr. WILSON] as to the value of land in Louisiana. Now, I have stated what the engineers gave to me as their estimates of values. The gentleman from Louisiana very carefully does not mention the New Madrid flood way, on which the testimony was \$75 an acre for cut-over lands. He does not mention the fact that in that proposal it was estimated as high as \$150 an acre, nor does he consider, so far as I can ascertain, that a gentleman named Mr. Blake, who was chairman of the flood commissioners, representing Mississippi, Louisiana, Arkansas, and Alabama, estimated that 6,000,000 acres in the different flood ways would cost the Government \$600,000,000. Certainly Blake should know. He was aware of all the facts in his estimate. The gentleman from Louisiana is too intelligent not to know that it is far beyond \$5 and \$10 on the average, and the House is entitled to the information. We do not know. We have not had a survey. Every time we have attempted to get that information we have been referred to the testimony. There were 40 land and lumber corporations whose names I put in the RECORD, land and lumber companies that had large holdings down there in these flood ways. There were over 400 corporations and as many large individual holdings that ran over 3,000,000 acres; 77 per cent belonged to these interests. It is idle to say we do not know anything about it, and that two or three telegrams from Louisiana have been received stating the cost on several parcels would be \$5 and \$10 an acre. That is not right of the gentleman from Louisiana, a member of the committee, to offer such telegrams in view of the facts you have.

We made a fair statement here and gave the values as shown by the Army engineers and by Mr. Blake. I do not agree with him in \$100 an acre, or with the statement of the gentleman from Louisiana that only \$23 would be the cost, because that was the assessed value of certain lands. We know that valuation will be doubled if you try to get the land. It seems too late to-day to discuss the values of land. The values have been put in the RECORD. There are 4,000,000 acres concerning which you do not know any more than I do, but these lands have been valued by the engineers at anywhere from \$50 to \$75 an acre.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes; I will yield to a question, but not to read any statement.

Mr. COX. I want to call attention to the figures given by Mr. Blake, who put the value of \$224 on 2,000,000 acres and a value of \$50 on the remainder.

Mr. FREAR. He represents Arkansas, Mississippi, Louisiana, and other States affected down there. That is his testimony. He is chairman of their flood commission and I think his judgment ought to have some value at this time. I am not questioning it.

Mr. WILSON of Louisiana. I will say that the gentleman referred to, Mr. Blake, does not represent Louisiana and Mississippi.

Mr. RAINEY rose.

The CHAIRMAN. The gentleman from Illinois has already been recognized. The Chair will not recognize him again until he seeks recognition under a new section.

Mr. BLACK of New York rose.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BLACK of New York. Mr. Chairman, it is unfortunate that this bill, which is intended to provide for a great piece of constructive work for this country, should for the time being be imperiled by being connected with the name of a man who left here under unpleasant circumstances. It is unfortunate, I say, that his name should be connected with this proposition. It seems to me the House is capable of perfecting this bill by legitimate amendments to section 4, to provide that there shall not be extortionate values charged in these condemnation proceedings.

There is no reason why this, of all bills, should become a vehicle of fraud. This House has intelligence sufficient to perfect the bill. We have had under consideration similar bills from time to time and have been able under similar circum-

stances to protect the Government. There have been times, I admit, when some have succeeded in defrauding the Government; and the cases of Fall and Sinclair as well as Doheny have shown that it is necessary to provide safeguards for the protection of the Government.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LA GUARDIA].

The question was taken; and on a division (demanded by Mr. LA GUARDIA) there were—ayes 37, noes 110.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Wisconsin.

Mr. FREAR. That takes out the latter part of the section. Mr. Chairman, may we have the amendment again reported?

Mr. REID of Illinois. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until local interests have given assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main-river levees; (b) agree to accept land turned over to them under the provisions of section 4.

With the following committee amendment:

In line 21, after the word "accept," insert the words "the title to."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

Mr. REID of Illinois. Mr. Chairman, I have sent three amendments to the desk.

The CHAIRMAN. There are three amendments which will be disposed of, amendments which have been heretofore submitted and which the Clerk will report.

The Clerk read as follows:

Page 4, line 15, strike out the words "local interests" and insert in lieu thereof the words "the States or levee districts."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, line 22, after the figure "4," change the period to a semicolon and insert the following as subparagraph (c):

"(c) Provide without cost to the United States all rights of way for levee foundations and levees on the main stem of the Mississippi River between Girardeau, Miss., and the Head of Passes."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, line 22, after subparagraph (c), already adopted, add a new paragraph at the end of the section, as follows:

"No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MADDEN. Mr. Chairman, I do not think this ought to be in this section of the bill. I do not think it should be attached to this section of the bill.

Mr. FREAR. This has been agreed on.

Mr. MADDEN. We agreed to it, but I do not think it should be made a part of this section.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment to the amendment offered by the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee to the amendment offered by the gentleman from Illinois [Mr. REID]: At the end of the amendment insert: "Provided, however, That if in carrying out the purposes of this act it shall be found that upon any stretch of the

banks of the Mississippi River it is impracticable to construct works for the protection of adjacent lands, and that such adjacent lands will be subject to damage by the execution of the general flood-control plan, it shall be the duty of the board herein provided to cause to be acquired on behalf of the United States Government either the absolute ownership of the lands so subjected to overflow or floodage rights over such lands."

Mr. GARRETT of Tennessee. Mr. Chairman, I am inclined to agree with the gentleman from Illinois [Mr. MADDEN] that the amendment which the gentleman from Illinois [Mr. REID] has proposed more properly would come in another section, but if it is to come now it seems to me that my amendment will have to come in connection with it at this place. I do not want to lose any rights in connection with it.

Mr. MADDEN. If the gentleman will yield, I am in favor of the amendment offered by my colleague, but I propose to strike out section 3 and offer a substitute to section 3, and I do not want to strike out that part of it.

Mr. REID of Illinois. That is the reason we had better get it in.

Mr. MADDEN. No. I will move to strike it out, anyway, if the gentleman wants to do it that way. I do not think it is fair; that is all. I think an amendment should be considered on its merits without any attempt to foreclose the right to have proper consideration of it. It does not matter how much power anybody has, it is just as well to exercise it with justice; and it does not make any difference how many votes you may have on a given proposition, it is well to exercise proper respect for the facts in the case.

Mr. REID of Illinois. Will the gentleman from Illinois yield?

Mr. MADDEN. Yes.

Mr. REID of Illinois. This was submitted at this place by the gentleman's conferees and we put it in at the gentleman's request.

Mr. MADDEN. The gentleman put it in, but it was not put in here at our request.

Mr. REID of Illinois. Yes; the gentleman ought to organize his conferees and know what he wants.

Mr. MADDEN. Now, I do not want to take up the time of the gentleman from Tennessee, but if we are going to consider the amendment which I have offered, and which has been pending, and which was pending before my colleague offered his amendment, we ought to do it before the gentleman's amendment comes along, because then it may be said that I have slept on my rights in offering this amendment here and that I no longer have any right to offer the amendment.

I want to move to strike out section 3, but I do not want to offer to strike out that part of the section, if the amendment is adopted, that the gentleman has just introduced but which has not been acted upon.

Mr. REID of Illinois. The gentleman can include it in his substitute.

The CHAIRMAN. The gentleman from Illinois can offer his amendment in that form.

Mr. MADDEN. Mr. Chairman, I would like to have my amendment read for information now, if I may.

The CHAIRMAN. Without objection, the Clerk will report for the information of the committee the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amendment proposed by Mr. MADDEN: Strike out section 3 and substitute the following:

"SEC. 3. Except when authorized by the Secretary of War, upon the recommendation of the Chief of Engineers, no money appropriated under authority of this act shall be expended on the construction of any item of the project until the States or local interests to be benefited and protected have indicated their desire for Federal assistance by giving assurances satisfactory to the Secretary of War that they will, (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; (b) provide without cost to the United States such drainage work as may be necessary and the rights of way for the levees and other structures as and when the same are required. Work on the so-called Bonnet Carre spillway will be undertaken when the city of New Orleans, in recognition of its paramount interest therein, shall have undertaken to hold and save the United States from all damage claims arising out of the construction of the spillway. Work on the so-called New Madrid flood way will be undertaken when interests in southern Illinois and southeastern Missouri, in recognition of their paramount interest therein, shall jointly or severally have entered into a similar undertaking."

Mr. MADDEN. The question is whether this would come before the other amendments that are pending or before the amendment of the gentleman from Tennessee.

The CHAIRMAN. Perfecting amendments are to be disposed of before the amendment involving the striking out of the section is voted on. The question is on the amendment offered by the gentleman from Illinois, the chairman of the committee.

Mr. GARRETT of Tennessee. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Tennessee desire recognition on his amendment?

Mr. GARRETT of Tennessee. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. GARRETT of Tennessee. Mr. Chairman, the situation which exists in Tennessee, I think, has come to be very, very well known to the membership of the House. Bear in mind that the Congress is officially adopting the Jadwin plan so far as the engineering part of that plan is concerned, plus a further consideration of the Mississippi River Commission's plan, with a view to combining the best parts of the two. Neither of these plans in any way promises anything to any part of Tennessee except injury. The only way I can see to meet the situation is in the way I am proposing here and in the language that is offered.

I appreciate, of course, the tremendousness of this problem, but I am sure every Member of the House who understands the situation realizes that we of Tennessee are not here as mendicants in this matter; we are simply here asking to be protected in our rights, and asking that our equities may be respected and worked out.

I very much hope, Mr. Chairman, the amendment may prevail.

Mr. COX. Mr. Chairman, I ask recognition on this amendment.

Mr. Chairman, if I understand the amendment offered by the gentleman from Tennessee, it is simply to take care of a limited territory here and there which is subjected to overflow as a result of the execution of this project; that is, subjecting lands to overflow as a result of the execution of these plans, which have not heretofore been overflowed by the flood waters of the river.

I have in mind, gentlemen—and I beg your attention to this statement—areas along the main river which will be damaged, in all probability, as a result of the execution of the plans, unless some work or works be constructed for the purpose of holding off flood waters. These are certain lands in the State of Tennessee which are limited in area, and lands in Kentucky, particularly the town of Hickman, which will be overflowed and damaged as a direct consequence of the proposed improvement. These areas and others similarly situated along the river should be protected.

Let me say, my colleagues, this amendment is not proposed for the purpose of obligating the Government to make good all damages that may result because of the execution of this project. The statement has been made by Members opposing the bill that they are not opposed to the Government paying or compensating for any land that is taken or that is damaged as a result of the execution of the project, which land would be immune from damage if the work proposed was not done. My friend, the gentleman from New York [Mr. LA GUARDIA], made the statement this morning, in effect, that he was willing that the Government be committed to the proposition of paying the damage that the Government might cause, and this amendment is to put the Government in the position where this can be done, so far as property along the main river is concerned.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. COX. I will.

Mr. LA GUARDIA. Will the gentleman's amendment take care of the actual damage sustained or the prospective damages that might be sustained?

Mr. COX. No; the actual damage. The effect of the amendment is this, that where, in the execution of the Jadwin plan for flood control an area is endangered as the result of the work which it is impracticable to protect by any sort of flood-protective works the Government shall acquire either the absolute title to the land or flooded rights therein.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. COX. Certainly.

Mr. WHITTINGTON. I would like to ask the gentleman from Georgia about what area the Government would have to acquire for flood rights?

Mr. COX. I am not in a position to state to the gentleman what the area in Tennessee might be.

Mr. WHITTINGTON. And elsewhere?

Mr. COX. This would not apply to any territory except that on the main stem of the stream.

Mr. GARRETT of Tennessee. It would apply to Tennessee and the Mississippi situation.

Mr. COX. Yes; and elsewhere along the Mississippi River proper.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and section close in 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the section and amendments close in 15 minutes.

Mr. O'CONNOR of Louisiana. I suggest to the gentleman that he make it 30 minutes.

Mr. REID of Illinois. I will make it 20 minutes.

Mr. LA GUARDIA. Will the gentleman make it apply to the pending amendment only? I have an amendment that I would like to get five minutes on, although I have a suspicion of what is going to happen.

Mr. O'CONNOR of Louisiana. Reserving the right to object, I want to ask the chairman of the committee if that would give any time to my colleague Mr. SPEARING and myself?

Mr. REID of Illinois. I do not know.

Mr. O'CONNOR of Louisiana. Then I object. Members who do not live in this flooded locality can get an hour or an hour and a half, but Members who live in the territory affected, in the valley of the Mississippi River, can not get five minutes; it is ridiculous.

Mr. REID of Illinois. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 30 minutes.

Mr. DENISON. A parliamentary inquiry, Mr. Chairman. Does that apply to amendments that are not yet offered?

The CHAIRMAN. It applies to the section and all amendments.

Mr. WINGO. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Illinois, that all debate on this section and amendments thereto close in 10 minutes.

Mr. SPEARING. And I offer an amendment to the amendment striking out 10 minutes and making it 1 hour.

The CHAIRMAN. That amendment is an amendment to an amendment to an amendment, and therefore not in order. The question is on the amendment offered by the gentleman from Arkansas to the amendment offered by the gentleman from Illinois [Mr. REID.]

The question was taken; and on a division, there were 35 ayes and 87 noes.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Illinois to close debate on the section and all amendments thereto in 30 minutes.

The question was taken, and the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I rise to discuss the amendment I have offered.

The CHAIRMAN. The amendment pending should be disposed of before further amendments are offered. The question is on the amendment offered by the gentleman from Tennessee [Mr. GARRETT] to the amendment offered by the gentleman from Illinois, chairman of the committee.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were 111 ayes and 79 noes.

So the amendment of Mr. GARRETT of Tennessee to the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Illinois as amended by the amendment of the gentleman from Tennessee.

The question was taken, and the amendment as amended was agreed to.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment, which the Clerk will again report. The Clerk read as follows:

Amendment by Mr. MADDEN: Strike out section 3 and substitute the following:

"Sec. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under the authority of this act shall be expended on the construction of any item of the project until the States or local interests to be benefited and protected have indicated their desire for Federal assistance by giving assurances satisfactory to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees, (b) provide without cost to the United States such drainage works as may be necessary, and the rights of way for all levees and other structures as and when the structures are required. Work on the so-called Bonnet Carre spillway will be undertaken when the city of New Orleans, in recognition of its paramount interest therein, shall have undertaken to hold and save the United States from damage claims arising out of the construction of the spillway. Work on the so-called New Madrid flood way will be undertaken when interests in southern Illinois and southeast Missouri, in recognition of their para-

mount interest therein, shall, jointly or severally, have entered into a similar undertaking. No liability of any kind shall attach to or rest upon the United States for any damages from or by floods or flood waters at any place.

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve the point of order for the time being. The point of order is that you can not strike out what the committee has just voted in. I ask the gentleman from Illinois [Mr. MADDEN] if he is not willing to attach the amendment which I offered along with the Reid amendment, which he has attached to his amendment.

Mr. MADDEN. Yes; I will put that in.

Mr. GARRETT of Tennessee. Then, Mr. Chairman, it is not necessary, if we have that distinct understanding, for me to insist upon the point of order. I would like the amendment to be reported as it will read. That is, the latter part of it.

Mr. GARNER of Texas. Have the substitute reported as it will read finally.

Mr. QUIN. I think it is a good idea to let it be corrected before the gentleman from Illinois [Mr. MADDEN] starts his argument, and have it read into the Record.

Mr. MADDEN. I am perfectly happy to have that done.

Mr. QUIN. We do not want to lose this amendment. It is vital to us.

The CHAIRMAN. The Chair desires to propound an inquiry to the gentleman from Illinois. Does the gentleman from Illinois desire to ask unanimous consent to append the Reid amendment as amended by the gentleman from Tennessee to his pending amendment?

Mr. MADDEN. I am willing to do that. That is the only way that I can get my amendment before the House.

Mr. TILSON. The gentleman means only the Garrett amendment.

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. The Reid amendment as amended by the Garrett amendment.

Mr. MADDEN. The Reid amendment is a part of my proposed amendment now.

Mr. GARRETT of Tennessee. The gentleman from Illinois has included as a part of his amendment the amendment that is offered by the gentleman from Illinois, which was adopted by the committee, but there was also adopted by the committee an amendment to that amendment offered by myself, and I understand now that the gentleman from Illinois is willing to include both of them.

Mr. MADDEN. Yes—not that I am for the amendment of the gentleman from Tennessee—but because I am in a sense forced to do that.

The CHAIRMAN. The Clerk will again report the amendment as modified by the unanimous-consent request of the gentleman from Illinois.

Mr. REID of Illinois. Mr. Chairman, so that no rights may be lost, I reserve the point of order as to the amendment.

The CHAIRMAN. The Chair is ready to dispose of any point of order that may be made, overruling the point of order. It is quite in order to strike out a section that has been amended and insert new language.

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman from Illinois will yield, there is some confusion as to the parliamentary situation. In order that it may be perfectly clear, although the gentleman from Illinois is putting in the amendment offered by myself—

Mr. MADDEN. I am not going to argue against it.

Mr. GARRETT of Tennessee. The voting down of the amendment that is proposed by the gentleman from Illinois [Mr. MADDEN] would not in any way affect the status of the Reid amendment as amended by myself.

Mr. MADDEN. That is true. I agree with that.

The CHAIRMAN. The Reid amendment as modified by the gentleman from Tennessee is now incorporated in section 3, and if section 3 is not stricken out, it remains in the bill.

Mr. MADDEN. Of course, that is good notice that they are to vote against my amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, the United States in the course of the construction of this flood-control work from Cape Girardeau down, proposes, among other things, to build the New Madrid spillway on the southeast corner of Missouri, in which southern Illinois and southeastern Missouri have a paramount interest.

The United States also proposes to build the spillway at Bonnet Carre, La., in which the city of New Orleans has a

paramount interest. The United States proposes to build these spillways and pay for them out of the Treasury of the United States. The United States is not calling on any of the local communities to contribute toward the cost of the construction of these spillways, but the United States is asking that the city of New Orleans, on the one hand, and southern Illinois and southeastern Missouri, on the other, should save the United States Government harmless from any damages that may accrue as the result of the construction, and particularly during the period of construction, of these two necessary works in connection with flood control.

I think everybody who has given any consideration to this question will agree that these two spillways are essential to the success of the project, and I think the people of southern Illinois and the people of southeastern Missouri and the people of New Orleans, if they tell the truth, will agree that they have a paramount interest in the construction of these two spillways for which the United States proposes to pay.

Mr. FULBRIGHT. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I can not yield now. I have been waiting all the afternoon to get a chance to say a word upon this important subject, and I do not want to have any extraneous matter injected into what I am saying on it.

They all say that these spillways are essential, but they will all say that they ought not to be called upon to contribute to the cost, or even be called upon to assume a contingent liability in connection with any damage that might occur as the result of the assumption of the responsibility on the part of the United States to do the work and pay the bill.

It is the most extraordinary thing I have ever listened to. It is the most presumptuous thing that I have ever seen set forth. It is an assertion by various communities of the United States having a paramount interest in a great problem that they under no circumstances must be called upon to pay a dollar of the cost. Impudence, I would say; unjust beyond reason.

What would be the responsibility of these communities in this connection? It could not amount to much. Then why does not the United States pay it, if that is true? Because the United States is going to pay the cost of the construction. In God's name, is there any community anywhere within the confines of the United States that is willing to contribute a dollar for its own protection in connection with one of the greatest works ever undertaken?

Oh, it will not do to say that the gentleman is parsimonious; oh, no; that will not do. It must be said that I am only dealing in justice. I want to say to you gentlemen, I suppose it makes no difference to you what my vote may be, but I propose to vote against the bill, no matter how many good things there are in it, unless you put this in it. [Applause.]

That is where I stand. The President of the United States has done everything in his power to show his interest in this problem. He has been earnest, tireless, honest, industrious, in his endeavor to work out a project for flood control that ought to meet the honest judgment of every man, woman, and child in the United States. [Applause.]

Oh, it is true; you have the power. You do the voting. You pass the laws. The President has the power to veto them if he will. That is his responsibility, and your responsibility is to say whether you will pass the bill over his veto after he has written it.

Now, I make no threats and make no promises. I speak for myself only. I am interested in you, in your future, in your development. I came to the front last summer, in violation of every law of the land, to help you when all others ran away from it. Everybody ran away. Everybody refused to assume the responsibility of meeting the situation. I assumed the responsibility. [Applause.]

It is true it was not my money, but I said to the Comptroller General of the United States that sometimes it was more important to meet a great emergency than it was to obey the law; and as this was a great emergency at that time, I met it, and I met it when everybody else refused.

I think you are making a mistake in refusing to cooperate with the President, who has been and is the friend of this great project. He has been working for it in season and out of season. You can pass the bill, I have no doubt; but you can not pass it over the President's veto. [Applause.] I am sure of that.

Why do you want to take a chance? Why do you not do the thing that ought to be done in all conscience? Why do you not do the thing that justice demands, and which reason tells you ought to be done? Why do you want to take the chance of losing the whole thing by a veto when by the expenditure of a million dollars you can furnish the foundation for the levees or the flood ways and assume the liability, which may not amount

to anything, to relieve the United States of damage claims while it is constructing at its own expense, without a dollar of expenditure on your part, the Bonnet Carre and the Madrid spillways? [Applause.]

Mr. QUIN rose.

The CHAIRMAN (Mr. Newton). The Chair recognizes the gentleman from Mississippi.

Mr. QUIN. Mr. Chairman, I want to say that I appreciate the kindness of the gentleman from Illinois [Mr. Madden] in agreeing to accept the Garrett amendment onto his amendment, and that if the Madden amendment is adopted the Garrett amendment is accepted and part of it, and if the Madden amendment is defeated the Garrett amendment stands as part of the flood-control bill.

Mr. MADDEN. That is not included in my effort.

Mr. QUIN. You are not trying to kill the Garrett amendment?

Mr. MADDEN. No, sir.

Mr. QUIN. A parliamentary situation forces it upon you. However, I thank the gentleman from Illinois in behalf of the people I represent for what the gentleman did in their behalf when they were suffering from overflow last summer, but I can not agree with him on this amendment that he has offered, which is taking the vitals out of this bill.

The gentleman from Illinois says he wants to help us, but if he is going to help us by taking the heart out of the bill, that kind of help is worse than no help at all. [Applause.] I trust the Members of this House can see the real purport of the gentleman's amendment. The real purport of his amendment is smooth and it cuts deep. Do not let any man pretend not to understand that if he votes for the Madden amendment he is killing this bill. For the people of the Mississippi Valley the much-sought aid will be gone. Mr. MADDEN understands that.

Mr. MADDEN. If I thought that was the case, I would not do it. I am sure that it is necessary to have these spillways, and all the Government is asking is that the two communities will guarantee the United States against losses by reason of damages.

Mr. WHITTINGTON. Will the gentleman from Mississippi permit me to ask the gentleman from Illinois a question?

Mr. QUIN. I will.

Mr. WHITTINGTON. I should like to ask the gentleman from Illinois if it is not a fact that the language "and other structures as and when the same are required" in your amendment would require the States of Missouri, Louisiana, and Arkansas to furnish the flowage rights through the diversion, and in answering me I call the gentleman's attention to the fact that the original Jadwin plan bill, introduced in the Senate of the United States by Senator Jones, of Washington, on December 13, contains the identical language, to wit, "rights of way for all structures as and when required"?

Mr. MADDEN. It would not. It would not require them to furnish the flowage rights.

Mr. WHITTINGTON. Is there any objection to striking out the words "and structures," because it has been the opinion of every lawyer on our committee that those words require the construction of the flowage rights?

Mr. MADDEN. If it passes, let that question go to conference, where they will have time to study the problem.

Mr. WHITTINGTON. My question is: Does not that include the flowage rights?

Mr. MADDEN. It includes the construction of these spillways, it includes the supplying of the flowage rights, or the taking of the chance of the cost of that being assumed by the Government of the United States, as it does of the Atchafalaya.

Mr. WHITTINGTON. It has been the opinion of every lawyer that that would require the local interests to pay for the flowage rights.

Mr. QUIN. And that is what they are not able to do. The people have reached a stage of bankruptcy in that distressed and overflowed country, and I trust that the gentleman from the State of Illinois does not want an impoverished people to be further burdened and their lands assessed for levee taxation up to more than they can stand. Under the amendment offered by the gentleman the result would be to confiscate the property of these poor citizens who are not able to assist further in bearing any more expense. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. NELSON of Missouri. Mr. Chairman and gentlemen of the committee, I want, if I may, to have your attention while I say just a few words about the southeast Missouri proposition. As a member of the committee and as one who has given considerable thought to it, I hope I can make the situation plain.

I have no direct personal interest in this because of the district I serve. It is in the central part of the State, 100 miles from this point. If you will take the map of southeast Missouri and look at Birds Point, on the Mississippi River, and drop down a distance of 72 miles to New Madrid, you will find it is proposed to make a flood way there varying in width from 5 to 10 miles and amounting to about 200,000 acres, as I now recall the figures. The present river-front levee would be cut down 5 feet, while 5 miles back of this another levee would be built, and between these the flood would flow to a depth of from 10 to 20 feet when the spillways were in operation or the lowered front levee failed at any point. Missouri wants no such flood way, yet it is proposed. For the protection of Missouri? No; for the protection of Cairo, across the river; and, according to the amendment which has been offered, Missouri and Illinois shall agree as to the cost and meet the cost.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. NELSON of Missouri. Yes.

Mr. FULBRIGHT. I will ask the gentleman if it is not a fact that the damages sustained by southeast Missouri under the Jadwin plan would exceed the benefits derived from this project?

Mr. NELSON of Missouri. Unquestionably so, as brought out in the hearings. May I say to you, gentlemen, that three counties principally make up this territory, and the drainage and levee districts in those three counties have already voted \$52,000,000 in bonds, and \$31,000,000 of that amount remains unpaid to-day? The people of these districts virtually are bankrupt.

In one county, out of 10 banks only 3 remain. If you write the proposed amendment into this bill you have taken the heart out of it and made it impossible to protect the territory below.

In answer to the insinuation, to the unwarranted suggestion, that "if Missourians would tell the truth" we would acknowledge the fairness of the proposition, or something to that effect. I reply that Missourians do tell the truth, and they tell you that night will be day, that black will be white, that east will be west, and that joy will be sorrow when Missouri and Illinois agree to pay for something they do not want. This is the situation.

I come to you to plead for a square deal for the people of my State. The Governor of Missouri, who is not of my party, has truthfully written that Missouri will never agree to such a transaction. The attorney general of my State, who is not of my party, is very properly on record to the same effect.

Finally, may I say, gentlemen of the committee, that after all there is a bigger issue before this body than flood control. It has to do with the integrity of the legislative branch of this Government. Section 1, Article I of the Constitution reads:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Speaking only for myself, I resent the nature of many of the attacks made on this measure. I resent the fact that the President of the United States has intimated that if we do not do certain things in advance he will veto this bill. [Applause.]

I call upon you, as the Representatives of the people, to come out and once more say to the country that there is a Congress and that we are going to do our duty irrespective of the fact that the White House has sent here a mandate to the effect that if we do not do so-and-so there will be no flood control. [Applause.]

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. NELSON of Missouri. I yield to the gentleman.

Mr. MOORE of Virginia. The amendment of the gentleman from Illinois provides that these two localities which he describes shall stand the cost of the construction of such drainage works as may be necessary. The gentleman is a member of the committee in charge of the bill; what would that include, if the gentleman can tell us briefly?

Mr. NELSON of Missouri. As to Missouri, I may say, in brief, it would include, as I stated, this flood way of some 200,000 acres. According to the testimony that has been offered as to the value of the land, if I remember correctly, General Jadwin indicated it would be some two and a half or three million dollars. It was testified when the bill was under discussion the other day that it might approach \$20,000,000.

Do you think it is possible, gentleman, for a community that is already broke to put up \$20,000,000?

We want Cairo protected, my colleagues, but it is not necessary for Missouri to pay for the protection across the river. My plea is for fair play and for a bill that somehow we can get through. You can not expect Missouri to pay for something she does not want and does not need. [Applause.]

Mr. DENISON. Mr. Chairman and gentlemen, I have not had an opportunity to say anything on this bill since we began reading the bill for amendment, and I do not expect to have very much more to say. I represent the only district in Illinois that is directly affected by this bill, and I want to discuss this particular amendment, because it is of very vital importance to the district I represent. I therefore ask unanimous consent that I may proceed for 15 minutes.

The CHAIRMAN (Mr. NEWTON). The gentleman from Illinois asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. DENISON. Gentlemen, I appreciate this privilege very much.

I have not come before this House very often asking anything that would directly benefit the people I represent. I have devoted a great deal of my time in the last few years in trying to serve the other Members of the House. I am now appealing to the other Members to help me and those I represent. Since I came to this Chamber about 14 years ago, I have held out the hope to the people of Cairo and the surrounding part of southern Illinois that sooner or later Congress would pass national flood relief legislation that would give them some hope and bring substantial relief to them. Now at last comes the opportunity to fulfill that promise and to help them realize that hope, but here is an amendment presented by my colleague, Mr. MADDEN, which would blot out completely all hope so far as that part of Illinois is concerned that is directly interested in the bill.

I represent the lower counties of Illinois, including Cairo. Gentlemen, if you can see this map, you will notice that Cairo is located at the extreme southern end of Illinois, and up north some 20 or 30 miles is the city of Cape Girardeau, Mo.

In its natural condition there was a natural diversion of the flood waters of the Mississippi River just south of Cape Girardeau down through a bayou and on south into the St. Francis River. That was the way the floods went when this country around here [indicating] was in a natural condition.

My colleague from Illinois has spoken at length, and with some feeling about the justice of this matter. I am now presenting a question of justice which I am sure will appeal to every Member of this House. Down here between Birds Point and New Madrid, where it is proposed to build this flood way, in a state of nature the flood waters of the Mississippi River spread out all over this part of Missouri and cut across here and entered the Mississippi River down near New Madrid; that is, in the early days before there were levees constructed to any extent, the flood waters of the Mississippi River that were not diverted through the bayou south of Cape Girardeau and allowed to flow down through here [indicating], and thence on down the St. Francis into the Mississippi River, were allowed to spread out over a natural reservoir in southeastern Missouri.

At that time Cairo, Ill., began the construction of levees and protected herself fully; and I want to say that Cairo and the drainage district north of Cairo have built their levees entirely with their own money. Only one contribution has ever been made by the Federal Government and that was after the flood of 1912, when the Federal Government, by special act, contributed a certain amount to match a similar amount contributed through the Legislature of Illinois. Outside of that the people of Cairo and southern Illinois have built their own levees, 60 feet high, around Cairo, without any contribution from the Federal Government at all. Why did we have to build our levees so high? A few years ago in order to reclaim this land down through here in Missouri [indicating], a large levee district was formed in Missouri and Arkansas, and they built a levee across the mouth of this natural diversion channel south of Cape Girardeau. That reclaimed a lot of valuable farming lands in Missouri and Arkansas, to be sure, but at the same time it diverted an immense amount of flood waters from their natural channels and sent them on down upon Cairo and the surrounding communities in Illinois.

The flood waters were thus confined and rushed down the river to Cairo. Cairo was not responsible. That was done by the people of Missouri and Arkansas. Meantime the people of Missouri, in order to reclaim and protect more overflowed farm lands, organized other levee districts and constructed levees all along the natural banks of the river from Cape Girardeau, north of Cairo, to New Madrid, 60 miles south of Cairo. Those levees in Missouri cut out the natural reservoir and compelled the confining of all floods in the main channel of the river. That had the effect of throwing back the water onto Cairo, Ill. Cairo is not responsible for that condition. But Cairo and all southern Illinois is suffering and is constantly threatened by

the artificial condition that has been brought about by the reclamation improvements in another State.

Gentlemen, Cairo can not live unless something is done to relieve the people of that part of our State from the constant menace that is hanging over them by reason of the levee improvements over in the State of Missouri.

I assume that the people of Missouri had a legal right to make those improvements. They were trying to reclaim very fertile farming lands. But Cairo is trying to protect herself from destruction. Cairo is trying to save her homes, her great industries, and the lives of her people. I do not expect Missouri to pay for flood works to protect southern Illinois. I do not see how you can make her do it. The people over in Missouri had a right to build their levees. They were not only permitted by the Federal Government to build them where they did, but the Federal Government helped build them.

On the other hand, it would be the greatest injustice to Cairo to make her pay for relief from the conditions that have been brought upon her by the people of Missouri. I am sure every one can see the injustice of that. That would be the effect of the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. COX. Will the gentleman yield?

Mr. DENISON. Certainly.

Mr. COX. Will not the gentleman concede that only the Federal Government is responsible?

Mr. DENISON. That illustrates the situation exactly. Gentlemen, there can be no relief to southern Illinois except by the Federal Government. If you adopt the amendment offered by my colleague from Illinois [Mr. MADDEN] you destroy this bill as far as southern Illinois is concerned, because the people of southern Illinois have taxed themselves until now they are practically bankrupt. Merchants and manufacturers have been going bankrupt. They can not stand any assessment for flood works in Missouri, and you might just as well not pass this bill if you put this amendment into it.

Mr. MADDEN. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. MADDEN. I think my colleague does not understand the question.

Mr. DENISON. Oh, yes; I do.

Mr. MADDEN. Nobody is asking Cairo or southern Illinois or southeastern Missouri to pay a single cent of the cost of building the Bonnet Carre or the New Madrid spillway. All that is being asked is that these two elements of our citizenship composed of the people around southern Illinois and the people of southeastern Missouri shall accept a contingent liability—without the expenditure of a dollar—for damages that may be imposed on the United States during the period of construction of these two spillways. That is all, nobody is asking your people to pay for this.

Mr. DENISON. Contingent liability to whom?

Mr. MADDEN. You accept the responsibility for answering to the Government of the United States against any cost for damage to property owners.

Mr. DENISON. It would mean millions of dollars to be paid by southern Illinois and southeastern Missouri, and you might as well defeat the bill as far as southern Illinois is concerned. The people of Cairo or southern Illinois can not pay it, and I would rather that the House would rise up and strike out the enacting clause of the bill than to put that amendment into it. [Applause.]

I want to say, too, that after the President fully understands this situation, I do not believe he is going to veto the bill if the proposed amendment is not in it.

Mr. DRIVER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. DRIVER. I want to call the gentleman's attention to this amendment. It says, "No liability of any kind shall attach or rest on the United States for any damages from or by flood or flood waters at any place."

Mr. DENISON. That would mean an assessment of millions of dollars upon an impoverished people that are absolutely unable to pay it. Who would you assess it on? The amendment says on the "interests of southern Illinois." What interests? There is no practical way to carry such a proposal into effect, and if there was the people could not pay it. Why defeat some of the main purposes of the bill by putting such a provision in it?

Mr. WHITTINGTON. Has not the Supreme Court of the United States decided time and time again that no legal liability rested on the Government by the construction of levees?

Mr. DENISON. I think that has been held.

Mr. COX. And is it not true that if the State of Illinois and the State of Missouri were to enter into an agreement to

pay damages they would be assuming a liability where none now exists?

Mr. DENISON. That is true, but there is no more hope or possibility of the people of southern Illinois and of Missouri reaching an agreement on this thing than there is, as the gentleman from Missouri [Mr. NELSON] said, of mixing oil and water. No one would know how to apportion the damages or the costs, nor against whom to assess them. The whole thing is purely visionary. It is impractical, and it is impossible if it were practicable.

Mr. IRWIN. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. IRWIN. The language of the amendment of the gentleman from Illinois [Mr. MADDEN] speaks of southern Illinois and southeastern Missouri. What does that mean? How much territory is taken in in those two States? The amendment does not qualify by stating so many counties or such and such parts, but simply says southeastern Missouri and southern Illinois. That is a pretty big territory. Just how much does the amendment take in?

Mr. DENISON. Nobody knows. It is wholly impracticable.

Mr. WILLIAM E. HULL. And is it not true that the constitution of the State of Illinois, so far as the State is concerned, would prevent it from spending any money in Missouri?

Mr. DENISON. Yes. It could not be done unless it were done voluntarily.

Mr. WILLIAM E. HULL. And if this were to be agreed to it would mean that they would have to pay for all of that land in that section where the spillway is.

Mr. DENISON. It would.

Mr. WILLIAM E. HULL. That would be the damages.

Mr. DENISON. If this amendment is to be adopted, it means that there will be no flood protection for southern Illinois and southeastern Missouri, because it is impossible of fulfillment so far as southern Illinois is concerned.

Mr. JACOBSTEIN. And is not that the real point here, that you could not have any flood-control project unless you have an agreement there—the whole thing would be stopped right at the start?

Mr. DENISON. Yes; entirely.

Mr. COX. In other words, flood control is conditioned upon cooperation?

Mr. DENISON. Yes.

Mr. COX. That is upon a voluntary assumption of these burdens on the part of southern Illinois and southeast Missouri, which the people of that territory consider to be unjust and inequitable.

Mr. DENISON. Absolutely. The people of southern Illinois have lived for years and years under a threatened wall of water. Whenever the water gets up as high as it did last spring it begins to seep under the levees, and so Cairo can not stand any higher levees. There is only one thing that will save southern Illinois and Cairo, and that is to lower the flood level by the construction of some kind of a diversion channel or flood way on the other side, or by setting back the levees. The people of Missouri ought not to have to stand that expense, and the people of southern Illinois not only ought not to have to stand the expense but they could not do so. I hope the Members of the House will not condemn the good people of the city of Cairo and the surrounding country in my State to this continued menace to their property, their homes, and even their lives, and to the loss of all hope, by the approval of this amendment to the bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

Mr. SPEARING. Mr. Chairman and gentlemen, in considering the pending amendment it must be borne in mind that the plan proposed to be adopted in the bill under consideration is for one whole and complete plan, each part thereof being an integral and necessary unit of the whole plan. Included in the plan is a spillway known as the Bonnet Carre spillway, opening, of course, at the river and emptying into Lake Pontchartrain, in the rear of New Orleans. The spillway itself is a short distance, approximately 25 or 30 miles, above the city of New Orleans, and, as I have already indicated, it is one of the outlets to take care of and discharge surplus water when the Mississippi River is in flood.

The amendment calls for the same requirements as to what is known as the New Madrid flood way, which is located in the southeastern part of Missouri and covers an area opposite to Cairo, Ill., and, of course, on the opposite side of the Mississippi River. It, too, is an integral part of the flood-control plan recommended by the Chief of Engineers, which plan, as I have already indicated, is proposed in the pending bill.

You have heard from the gentleman from Illinois [Mr. DENISON] who has just taken his seat that it is impossible for the citizens of the section covered by the New Madrid flood way to comply with the requirements and demands of the pending amendment. If, therefore, the people affected by the New Madrid flood way can not and do not comply with the requirements of the pending amendment so far as it affects the New Madrid flood way, and if the city of New Orleans can not and does not comply with the requirements of the amendment as to the Bonnet Carre spillway, neither will be constructed, and therefore the whole plan would necessarily fail—because, I repeat, the New Madrid flood way and the Bonnet Carre spillway are necessary parts of the one whole and complete plan.

Mark the language of the pending amendment, which, so far as the Bonnet Carre spillway and the city of New Orleans are concerned, is as follows:

Work on the so-called Bonnet Carre spillway will be undertaken when the city of New Orleans, in recognition of its paramount interest therein, shall have undertaken to hold and save the United States from all damage claims arising out of the construction of the spillway.

The same burdens are placed upon "interests in southern Illinois and southeast Missouri" so far as the New Madrid flood way is concerned.

The provision of the amendment is an affirmative, pregnant with a negative. In other words, the amendment is tantamount to declaring that the Bonnet Carre spillway will not be constructed unless nor until the city of New Orleans "shall have undertaken to hold and save the United States from all damage claims arising out of the construction of the spillway," and in the other instance the same is true of the New Madrid flood way. Therefore, unless the city of New Orleans and the interests in southern Illinois and southeast Missouri assume the burdens proposed to be put upon them and pay the claims for damages, the Government will not undertake to construct either the New Madrid flood way or the Bonnet Carre spillway.

Mr. MADDEN. Of course not.

Mr. SPEARING. And you have the statement from the gentleman from Illinois [Mr. DENISON] that his people can not bear this burden. Therefore, if the city of New Orleans does not assume to pay the claims for damages and you adopt the amendment, the Congress is declaring in advance that neither the New Madrid flood way nor the Bonnet Carre spillway will be constructed.

Mr. MADDEN. Do not you all say that you do not want it—that the people are opposed to it? And if they are opposed to it, why do you want to force it on them?

Mr. SPEARING. No; we have never said that at all. We do want the Bonnet Carre spillway and we want the New Madrid flood way, and also the Tensas flood way, and the Atchafalaya flood way; but we want all of them so as to obtain and secure the relief from destructive floods which the Chief of Engineers assures will be accomplished by constructing all of the projects and not merely by constructing two of them, viz, the Tensas and Atchafalaya flood ways and omitting the New Madrid flood way and the Bonnet Carre spillway. To omit those two projects would manifestly destroy the completeness of the flood-relief plan and would at the next flood bring disaster to the people in the alluvial valley equal to, if not greater than, the damage to life and property wrought by the high water of 1927. It is not logical to put in the bill a provision which in advance destroys the effectiveness of the plan which the bill itself proposes to adopt, and which we are assured by competent authority will secure relief to the flood-stricken areas. Moreover, what good reason is there for singling out two particular sections to bear this extra burden which is not attempted to be placed upon the other sections? The omission of the other sections from the burdens carried in the amendment is to concede that they are unreasonable and improper because if it is right to place this extra burden upon the people of southern Illinois and southeast Missouri as to the New Madrid flood way and upon the city of New Orleans as to the Bonnet Carre spillway, then a like burden could, with propriety, be placed upon the people affected, or that might be benefited by the other two flood ways.

Surely the fact that New Orleans is a large and prosperous city and may indirectly be benefited by the Bonnet Carre spillway is no justification whatever for attempting to mulct that city out of funds for the benefit of private interests, because the provisions against which complaint is not in any manner advantageous or beneficial to the Government, as I shall presently show. No good reason has been even suggested, nor can it be, why this extra burden should be placed upon the communities that might be affected or benefited by either the New Madrid flood way or the Bonnet Carre spillway. If flood control is a

national obligation, as it undoubtedly is and is conceded by everyone, the obligation should be borne by the Government, irrespective of locality and of a possible local benefit. If it is right to discharge a burden, as undoubtedly it is, then that burden should be discharged in favor of all people alike and not withheld because perchance it is possible that the proper discharge of the obligation may benefit some person or persons, or some community which is supposed to be more advantageously situated financially than other communities. Flood control is not a charity. It is an obligation and duty which the Nation owes to the people affected by the overflow of the banks of the Mississippi River or by breaks in the levees. Relief should not be withheld because one person or one community might be better off financially than another. Relief should not be doled out as a charity, but it should be granted in the discharge of an obligation recognized by everyone as resting upon the National Government. If the principle that a community which may be benefited by a public work is to defray a part of the expense or is to pay all of the damages be followed in other public works, the more populous and wealthy citizens, including the home city of the proposer of this amendment, would be required to make large contributions. Of course, no one advocates such an absurdity and yet we have it seriously contended here that because the city of New Orleans may be benefited by the Bonnet Carre spillway it should obligate itself to pay claims for damages for which the Government itself is not liable. The fact of the matter is the Atchafalaya flood way is of more importance and will be more beneficial to the city of New Orleans than will be the Bonnet Carre spillway.

In other words, the city of New Orleans will have greater security from damage if the Atchafalaya flood way be constructed and the Bonnet Carre spillway omitted than if the Bonnet Carre spillway be constructed and the Atchafalaya flood way omitted. The reason is that the Atchafalaya flood way will discharge a vastly greater amount of water than will the Bonnet Carre spillway, and thus by means of the Atchafalaya flood way New Orleans will be relieved of that great bank of water which would otherwise pass in front of it. In comparison with the amount of water which it is proposed to discharge through the Atchafalaya flood way the Bonnet Carre spillway sinks into insignificance.

Mr. SNELL. Mr. Chairman, will the gentleman yield for a question?

Mr. SPEARING. Certainly.

Mr. SNELL. I have been told that formerly the city of New Orleans was willing to build the Bonnet Carre spillway, provided the Federal Government would allow them to do it. It is said they are willing to do that on account of their own protection.

Mr. SPEARING. I have never heard of it.

Mr. O'CONNOR of Louisiana. I suggest to my colleague that he ask the gentleman who made that statement.

Mr. SNELL. I understand a statement came to the War Department to that effect.

Mr. SPEARING. I will say that to my knowledge there was a crevasse at Bonnet Carre a number of years ago and New Orleans was endeavoring all the time to have it closed up, and it was finally closed.

As a matter of fact, except for certain physical conditions resulting from an opening in the levee below New Orleans, that city would much prefer to have a spillway between that city and the Gulf than to have one above the city of New Orleans, as will be the Bonnet Carre spillway. The water, through a spillway below New Orleans, flows directly in the Gulf and can not under any circumstances reach or affect any portion of the city of New Orleans. On the other hand, the water through the Bonnet Carre spillway will be discharged into Lake Pontchartrain, upon which the city of New Orleans borders in the rear. The effect of the water being discharged into that lake through Bonnet Carre spillway may raise the level of that lake, and in the event of high tide in that lake, as sometimes happens, the water may flood that portion of the city of New Orleans bordering on Lake Pontchartrain. By reason of the possibilities just mentioned, it may be necessary for the city of New Orleans to build levees or embankments along the shores of Lake Pontchartrain in order to protect that portion of the city from the overflow resulting from the water of the spillway flowing into the lake at high tide.

Bear in mind that in an amendment offered by the chairman of the committee [Mr. REED of Illinois], as well as in the amendment offered by the gentleman from Illinois [Mr. MADDEN], it is provided that—

no liability of any kind shall attach to or rest upon the United States for any damages from or by floods or flood waters at any place.

While it is wise to insert that provision in the bill, it is not necessary, because the Supreme Court of the United States has decided, as you have heard reiterated many times during the discussion of this bill, that the Government is not liable for any of these damages. It is apparent therefore that the provision that the city of New Orleans shall undertake to hold and save the United States free from damage claims is not for the benefit or to the interest of the Government because both by judicial decisions and by the text of the bill the Government is relieved from, and is not responsible for, those damages. It necessarily results that the only persons, corporations, or institutions that could be benefited by requiring the city of New Orleans to assume the payment of such damaged claims are the persons, whether individuals or corporations, that may be damaged. Note that the language is to hold the Government "from all damage claims arising out of the construction of the spillway." Observe that there is no restriction limiting the "damage claims" to those for which the Government may be liable, but is generally for "damage claims arising out of the construction of the spillway." Those who prepared the amendment were careful to clothe it with every possible provision to make the city of New Orleans legally liable to third persons; that is, persons other than the Federal Government. Thus they took pains to include the requirement that a consideration should be expressed, namely, the "paramount interest" of New Orleans in the spillway; and, as I have already said, they enlarged the obligation so as to include all damage claims arising out of the construction of the spillway, not merely those against the Government or for which the Government might be liable. In effect the requirement is that the city of New Orleans, in order to obtain what is conceived to be protection from floods, must assume obligations and liabilities to third persons for which the Government is not liable. Under such conditions and obligations the city of New Orleans would legally be liable to such third persons even though the Government would not be. No good reason has been urged why this condition and result should be insisted upon.

Let us for a moment consider the persons or corporations which would be benefited as a result of the proposed amendment, if adopted. The Bonnet Carre spillway will traverse a narrow neck or strip of land about 7 or 8 miles wide between the Mississippi River and Lake Pontchartrain. In that area, however, are three major railroads as well as other interests and property which will be damaged. Necessarily there will be damage to those railroads and other interests and property, so that if the provision I am now discussing is put in the bill it will inure to their benefit and not the benefit of the Government, because, as we have already seen, the Government will not only not owe them anything or be liable to them for any damages, but will be free from obligation or liability under the decision of the Supreme Court to which reference has frequently been made and under the provisions of the bill exempting the Government from liability. Congress should not be so solicitous of the interests of private concerns, of institutions, or even individuals, as to legislate in their favor and against communities already stricken by disaster for which they were in no manner responsible but which, though a long series of years and at excessive outlay of cash, they have endeavored to prevent.

New Orleans has never been unmindful of its obligations, nor the city or its citizens slow in the expenditure of funds for the protection of itself and the neighboring territory from overflow and its effects. As the flood of 1927 was about to reach its height it seemed possible that the river might overflow its banks at New Orleans and that a break might occur below Baton Rouge, which would have caused great damage and suffering and possibly loss of life. In that extremity the city authorities arranged for the opening of an artificial crevasse below the city, and the city assumed the entire cost, damage, and expense, including reimbursing the persons who were damaged as a result of the crevasse. While it is true one of the purposes of creating that crevasse was to prevent the water from overflowing the banks in front of the city—there was no danger of a break in the levees then—it is perfectly clear that the opening referred to relieved the pressure elsewhere and probably prevented a break in the levee at some other point, so that while New Orleans was benefited by the break, so also were other communities.

The prevention of another break saved immense damage not only to physical property but to general economic and commercial conditions, because it must be remembered that an overflow not only causes physical damages, human distress and suffering, and frequently loss of life, but upsets and disarranges the economic, financial, and commercial conditions, and ultimately affects the manufacturing, wholesale, and financial centers. It is, of course, manifest that when the purchasing

power of a large class of people is materially diminished, if not destroyed, as was the case in the flood of 1927, their inability to make purchases of useful as well as necessary articles affects the retailer, the jobber, the wholesaler, and the manufacturer, each in his turn, and has an effect upon the general economic and financial situation. Louisiana was more injuriously affected than was any other State, and it is now suffering more than is any other State. In addition to that it must be borne in mind that of the three flood ways or diversion channels two of them—namely, the Tensas flood way and the Atchafalaya flood way—are in Louisiana, as is also the Bonnet Carre spillway. Much of the land in those sections will be destroyed for all practical purposes and will necessarily be withdrawn from taxation, thus reducing the revenue of the State and the purchasing power of the people for all time. In addition to the loss and damage just referred to, it is proposed by the amendment under discussion, and to which we are objecting, to place an additional burden upon the city of New Orleans for no apparent reason than that it seems to be conceived that the city might be forced and compelled, as a matter of self-protection, if not preservation, to yield to the unjust and unfair demands suggested by the amendment. This inequity should not be permitted.

As I have just said, and I again urge, the placing upon the city of New Orleans of the tax and burden and cost and expense proposed by the amendment would be inequitable, unfair, and unjust. I do not believe that the fair-minded men of this House will support the amendment. [Applause and cries of "Vote!"]

Mr. O'CONNOR of Louisiana rose.

Mr. REID of Illinois. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto be now closed.

Mr. O'CONNOR of Louisiana. I would like to have five minutes.

Mr. REID of Illinois. I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

Mr. LA GUARDIA. I object, Mr. Chairman.

Mr. REID of Illinois. Mr. Chairman, I move that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Illinois moves that all debate on this section and amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The debate closes in five minutes. The Chair recognizes the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, as I said a few days ago, I have been fighting the good fight for flood relief since I came to Congress. I have seen many converts made during the last few years, and I think to-day we are nearing the goal for which we have fought for so many years down in the lower reaches of the river in Louisiana.

We want the Madden amendment voted down, for the excellent reasons given by the gentleman from Illinois [Mr. DENISON] and by my colleague from Louisiana [Mr. SPEARING]. I do not violate any confidence when I tell you that I know Mr. MADDEN himself was not pressing a few days ago for that amendment with reference to the Bonnet Carre spillway at New Orleans. He did not think it necessary to the policy to be pursued; and I believe the Republican leader, the gentleman from Connecticut [Mr. TILSON] was in accord with that. I do not violate any confidence or the ethics when I say to you that the President of the United States told my colleague [Mr. SPEARING] and myself this morning that that proposition, as it applies to New Orleans and as it is written in the Madden amendment, was entirely new to him. Mr. MADDEN, you ask for the truth. "Ye shall know the truth, and the truth shall make you free." Why should New Orleans, at the end of the river, take 10,000 cubic feet of water extracted from Lake Michigan by Chicago and 10,000 additional cubic feet of filth and sewage and drainage and pay for it for the benefit of the hygienic and sanitary welfare of Chicago?

The gentleman from Illinois knows that this statement is true. The greatest inland city of the world to protect herself from typhoid that would destroy her uses water from the lake and with her own enormous wastage as the result of stockyard and domestic use, creates power down the Chicago River out of which her sanitary district makes tremendous money and he has the audacity to ask New Orleans to pay for taking care of that water after it has served his city's purpose and she has made money out of it. Why should we be compelled to stand the burden of the drainage of every acre of ground in the great Mississippi Valley and take care of the sewage and

drainage of the rapid development of civilization called the "cities" all around and on both sides of the great river? Substantially, if not literally, we ask for bread, and you give us a stone. We ask for a fish, and you give us a serpent. And the gentleman talks about "justice" on the floor of this House in regard to that amendment as it is applicable to New Orleans! It is the very last word of injustice.

Through and by his amendment New Orleans would be forced for all practical purposes to assume the payment of all damages resulting from the construction of the Bonnet Carre spillway.

I join with my friend [Mr. DENISON] in asking you to vote that amendment down overwhelmingly. [Applause.] Listen to this statement made in behalf of a city that has borne the heat and burden of the day. Listen to the last city on the banks of the Mississippi that has to watch with aching eyes yearly when the snows begin to melt between the Rockies and the Alleghenies and from above the Canadian border down through the mightiest, the most stupendous, valley in the world, as upon that melting and the rains that fall in the great rain sheds depends whether we shall sleep or remain awake "until danger's troubled night is o'er." Listen to the voice of the city that has already assumed the obligation of paying for all the damages in connection with the spectacular cutting of the levee at Caernarvon, and which may cost us millions.

In the estimates of cost of the Bonnet Carre spillway submitted by General Jadwin and by the Mississippi River Commission, there is a difference of \$3,300,000 which covers the cost of right of way, the cost of rearrangement of railroads crossing the spillway, the relocation of the highways, and so forth, these items being included in the Mississippi River Commission's estimate and excluded in General Jadwin's estimate.

It is now represented as fair to require the city of New Orleans to assume this amount of \$3,300,000 for the alleged reason that the spillway is for its particular benefit.

The city of New Orleans has 26 miles of levee on the Mississippi River. These levees have been built entirely at the expense of the city of New Orleans. Not one nickel of United States money was expended either in the construction or the upkeep of these levees. If a spillway is built at Bonnet Carre, these 26 miles of levees, in common with 250 to 300 miles of levee in other levee districts on both sides of the river, from Baton Rouge above New Orleans to Point a la Hache below, will participate in the benefits derived from a lowering of the flood height in that stretch of the river.

But in the consideration of the proposed assessment of \$3,300,000 against New Orleans in connection with this spillway, let it not be overlooked that there are considerable expenditures that must be assumed by the city of New Orleans as a consequence of this proposed spillway.

There are three drainage canals, two navigation canals, and one natural stream, the Bayou St. John, all of which connect the built-up area of the city with Lake Pontchartrain in the rear. The Bonnet Carre spillway will discharge into Lake Pontchartrain about 250,000 cubic feet per second, or equivalent to the discharge of Niagara Falls.

While the effect of this discharge will not be to raise the lake more than a few feet—probably less than 3 feet—it is possible that there may be a storm tide occurring simultaneously with the high lake stage due to the spillway discharge and, to provide against such a contingency, there will be needed a material improvement of the rear protection-levee system. New Orleans gets the benefit of reduced flood stages on the front at the cost of increased flood stages in the rear.

The New Orleans levee board has an estimate recently prepared as to what would be the cost of this work, and this estimate is between four and five millions of dollars, no part of which it was contemplated to ask the United States Government to pay. Nor is it contemplated to ask the Government to assume any part of the cost of raising the levees along the commercial front of the city, comprising work that will involve, perhaps, \$2,000,000, because it is not desirable to introduce complications in the matter of jurisdiction of our wharves and docks, as would naturally follow if the Government paid any part of the levee raising along that part of the river.

I join with my friend, Mr. DENISON, I repeat, in asking you to emphatically indorse his protest by voting down overwhelmingly the Madden amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 73, noes 142.

So the amendment was rejected.

Mr. LA GUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 4, line 15, strike out the words "local interests," and insert in lieu thereof "the several States within the Mississippi flood area," and on line 21, after "(b)," strike out the balance of the line and all of line 22 and insert in lieu thereof, "without cost to the United States provide necessary drainage works and rights of way or easements for structures, spillways, and flood ways as and when required, and will hold safe the United States from all damages or claims resulting from such work: *Provided*, That each of the said several States within the Mississippi flood area shall contribute for the acquisition of land, easements, and rights of way as herein provided in proportion to the acreage within its boundary benefited by the flood-relief plan herein provided: *And provided further*, That the United States will reimburse each of the said several States one-third of the amount expended by it for the acquisition of said land, rights of way, and easements."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. RAINEY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. RAINEY. For the purpose of propounding a unanimous-consent request.

The CHAIRMAN. The gentleman is recognized for the purpose of propounding a unanimous-consent request.

Mr. RAINEY. Mr. Chairman, with reference to the letter about which there was a controversy a while ago, I have stricken out all references to Mr. FREAR. I have submitted the letter to him, and I ask unanimous consent to print the letter as amended.

Mr. SCHAFER. Mr. Chairman, reserving the right to object, does the gentleman know how many acres of land Mr. Lorimer owns down in the valley?

Mr. RAINEY. Yes.

Mr. SCHAFER. About how many?

Mr. RAINEY. He owns in fee 800 acres; and his company has timber rights, I think, on 15,000 acres.

Mr. LAGUARDIA. Will the gentleman make that request to-morrow morning? The committee is about to rise.

Mr. RAINEY. I am not going to take up any time.

Mr. LAGUARDIA. Has the gentleman from Wisconsin [Mr. FREAR] seen the letter?

Mr. RAINEY. Yes; I submitted it to him.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter referred to is as follows:

WASHINGTON, D. C., April 19, 1928.

Hon. HENRY T. RAINEY,

House of Representatives, Washington, D. C.

MY DEAR MR. RAINEY: * * * When I was before the Flood Control Committee of the House the chairman inquired of me who I was representing, and I made it clear on that occasion that I represented no interest aside from the Chicago Flood Control Conference, and that I was there in behalf of that organization and at the request of its executive committee, of which I am a member.

The fact is that during the past 36 years I have not been in the employ of any person, firm, or corporation other than corporations controlled by myself and members of my immediate family; and I am not now nor have I ever been employed by the Tensas Delta Land Co. or any other interest. It is common knowledge that I am here in behalf of the Chicago Flood Control Conference. * * * I am not paid for this service; but, to the contrary, I am here at my own expense, which I pay out of my own funds.

I have no personal interest to promote or conserve in connection with the pending legislation. The only land in the Delta in which I have an interest is owned by the lumber company bearing my name, and is situated in the proposed Boeuf flood way. The land itself is not of much value, and our timber rights will not be benefited or injured by the water. Our company will donate the flowage rights over our land in event the flood way should be constructed; I so stated before the committee.

You know how you and Congressman MADDEN and myself have labored in season and out of season during the past 25 years for the control and improvement of the Mississippi River; and you know that our only purpose has been to promote a great public improvement of paramount interest to the whole country; and now that the time is at hand when the Federal Government is about to take over the control and regulation of this great highway of commerce, * * * I take the liberty to request you, as a matter of simple justice, to read this statement into the RECORD during the consideration of the flood-control legislation in the House.

Very respectfully,

WM. LORIMER.

The Clerk read as follows:

SEC. 4. Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed in carrying out the flood-control plan provided for herein, including all property located within the area of the spillways, flood ways, or diversion channels herein provided, and the rights of way thereover, and the flowage rights thereon, and also including all expenditures by persons, corporations, and public-service corporations made necessary to adjust or conform their property, or to relocate same because of the spillways, flood ways, or diversion channels herein provided: *Provided*, That in all cases where the execution of the flood-control plan results in benefits to any person, or persons, or corporations, municipal or private, such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

The Secretary of War may cause proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way needed in carrying out this project, the said proceedings to be instituted in the United States district court for the district in which the land, easement, or right of way is located. In all such proceedings the court, for the purpose of ascertaining the value of the property and assessing the compensation to be paid, shall appoint three commissioners, whose award, when confirmed by the court, shall be final. When the owner of any land, easement, or right of way shall fix a price for the same which, in the opinion of the Secretary of War, is reasonable, he may purchase the same at such price; and the Secretary of War is also authorized to accept donations of lands, easements, and rights of way required for this project. The provisions of sections 5 and 6 of the river and harbor act of July 18, 1918, are hereby made applicable to the acquisition of lands, easements, or rights of way needed for works of flood control: *Provided*, That any land acquired under the provisions of this section shall be turned over without cost to the ownership of States or local interests.

With the following committee amendments:

On page 5, in line 9, after the word "in," insert the word "special"; and in line 10, after the word "private," insert the words "or public service corporations."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 15, after the word "way," insert the words "which, in the opinion of the Secretary of War, are."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 6, line 7, after the word "that," insert the words "the title to."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 6, line 8, after the word "section," insert the words "and used in connection with the works authorized by this act."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 10 strike out the words "ownership of."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 11, after the word "interests," insert the words "which shall retain the same for the purposes specified in this act."

The committee amendment was agreed to.

Mr. REID of Illinois. Mr. Chairman, I have certain other amendments to this section and other sections of the bill which I ask unanimous consent to have printed in the RECORD.

The CHAIRMAN. Without objection, the amendments indicated by the gentleman from Illinois will be printed in the RECORD.

There was no objection.

The amendments referred to are as follows:

SECTION 4

Page 4, strike out all of the first paragraph, beginning with the word "Just," in line 23, down to and including the word "paid," in line 12, on page 5, and insert in lieu thereof the following paragraph:

"The United States shall provide lands for rights of way over which destructive flood waters will pass by reason of the diversion from the main channel of the Mississippi River, and for levees along such diversions, flood ways, and spillways, and any lands, easements, flowage rights, or rights of way necessary to control and regulate such diversion."

Page 6, line 10, strike out the words "local interests" and insert in lieu thereof the words "levee districts."

SECTION 6

Page 6, line 22, strike out the words "In an emergency, funds" and insert in lieu thereof the word "Funds."

Page 6, line 23, after the word "of," insert the words "section 1 of."

Page 7, line 1, after the word "project," change the semicolon to a comma, strike out the rest of the section, and insert in lieu thereof the following: "including levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on the outlets and tributaries of the Mississippi River between Rock Island and Head of Passes, in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: *Provided*, That for such work on tributaries the States or levee districts shall provide rights of way without cost to the United States, contribute 33½ per cent of the cost of the works, and maintain them after completion: *And provided further*, That not more than \$10,000,000 of the sums authorized in section 1 of this act shall be expended under the provisions of this section."

Page 7, after the amendment proposed to be inserted at the end of section 6, add a new paragraph, as follows:

"In an emergency, funds appropriated under authority of section 1 of this act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by the State or levee district."

SECTION 8

Page 8, line 15, after the word "officer," insert the words "of the United States Army or other branch of the Government."

SECTION 9

Page 9, line 16, strike out the word "section" and insert in lieu thereof the words "sections 13, 14, 16, and."

Page 9, line 17, after the word "to," insert the words "all lands, waters, easements, and other property and rights acquired or constructed under the provisions of."

SECTION 10

Page 9, line 21, after the figures "1927," insert the word "and."

Page 10, line 9, after the word "tributaries," change the colon to a semicolon and insert the following: "and the reports thereon, in addition to the surveys provided by said House Document 308, Sixty-ninth Congress, first session, shall include the effect on the subject of further flood control of the lower Mississippi River to be attained through the control of the flood waters in the drainage basins of the tributaries by the establishment of a reservoir system; the benefits that will accrue to navigation and agriculture from the prevention of erosion and siltage entering the stream; a determination of the capacity of the soils of the district to receive and hold waters from such reservoirs; the prospective income from the disposal of reservoir waters; the extent to which reservoir waters may be made available for public and private uses; and inquiry as to the return flow of waters placed in the soils from reservoirs; and as to their stabilizing effect on stream flow as a means of preventing erosion, siltage, and improving navigation."

Page 10, line 15, after the word "authorized," insert the words "in section 1 of this act."

SECTION 11

Page 11, line 22, after the word "act" strike out the words "the commission is authorized to build same," and insert in lieu thereof the words "and by the President, the same shall be built."

SECTION 12

Strike out all of section 12 on pages 11, 12, 13, and 14.

SECTION 13

Page 14, line 3, strike out the figure "13" and insert in lieu thereof the figure "12."

SECTION 14

Page 14, line 5, strike out the figure "14" and insert in lieu thereof the figure "13."

Mr. REID of Illinois. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON, Speaker pro tempore, having assumed the chair, Mr. LEHRBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and had come to no resolution thereon.

PENSIONS

Mr. ELLIOTT. Mr. Speaker, I submit, for printing, conference report on the bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2900) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 7, 15, 16, with the following change: On page 11, strike out the lines 18 to 21, inclusive. On amendments numbered 18, 21, 24, 36, 41, 44 the House agreed with the following change: On page 23, line 10, after the name "Weaver," insert the word "former." On amendments numbered 53, 58, 64, 65, 67, 68, 71, 74, 80, 81, 82, 93 the House agreed with the following change: Strike out "\$30" and insert "\$20." On amendments numbered 94, 99, 106, 117, 126 the House receded.

That the Senate recede from its disagreement to the House amendments numbered 1, 2, 2½, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 17, 19, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 42, 43, 44½, 45, 46, 47, 48, 49, 50, 50½, 51, 52, 54, 55, 56, 57, 59, 60, 61, 62, 63, 66, 69, 70, 72, 73, 75, 76, 77, 78, 79, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 95, 96, 97, 98, 100, 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128 with the following changes: On page 156 of the engrossed bill, line 20, strike out "\$30" and insert "\$20." On page 180 of the engrossed bill, strike out the following language: "The name of Allie Crabb, widow of Mark M. Crabb, late of Company H, Seventy-eighth Regiment Volunteer Infantry, and pay her a pension at the rate of \$30 per month"; and the House agreed to the same.

W. T. FITZGERALD,

RICHARD N. ELLIOTT,

MELL G. UNDERWOOD,

Managers on the part of the House.

PETER NORBECK,

LYNN J. FRAZIER,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House on Senate bill 2900 state by the way of explanation that 1,028 House bills were included in said bill. The committee on conference carefully examined into the merits of each individual case over which any difference of opinion existed, and mutually agreed to restore all bills of a meritorious character. The Senate bill contained the names of 343 beneficiaries and the House disagreed with the Senate on 58 items and made 87 corrections as amendments. Of the 58 items disagreed to the Senate asked that 33 of them be restored and the House conferees agreed to restore 32, in one of which the rate was reduced from \$30 to \$20 a month. The Senate agreed on the other 113 House amendments. Of the 1,028 House bills the Senate took exception to only 25 of them, and agreed to the retention of 24 of the exceptions. In one case the rate was reduced from \$30 to \$20 a month, the House receding in one case only. Therefore, the House lost but one bill of the total number included as an amendment to the Senate bill.

W. T. FITZGERALD,

RICHARD N. ELLIOTT,

MELL G. UNDERWOOD,

Managers on the part of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—
To Mr. BOHN (at the request of Mr. MAPES), indefinitely, on account of illness.

To Mr. DOUGLAS of Arizona (at the request of Mr. LANHAM), for to-day, on account of illness.

To Mr. WURZBACH, for three weeks, on account of important business.

THE JOHN SEALY HOSPITAL

Mr. BRIGGS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and include an explanatory

statement with reference to a bill introduced by me, H. R. 13217, such explanatory statement having been prepared by counsel for the foundation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRIGGS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

To the Honorable Senators and Members of the House of Representatives of the United States:

In connection with our petition for relief of the estate of John Sealy from the payment of Federal estate taxes, we present the following:

HISTORY OF THE JOHN SEALY HOSPITAL, A DEPARTMENT OF THE MEDICAL BRANCH OF THE UNIVERSITY OF TEXAS

Galveston, December 24, 1926.

At an election held for that purpose on the first Tuesday of September, 1881, the voters of the State located the main university at Austin and the medical branch or department at Galveston.

On May 12, 1887, Mrs. Rebecca Sealy, executrix and wife of Mr. John Sealy, who died August 29, 1884, and Mr. George Sealy, a brother, and executor, addressed a letter to the city council of Galveston, from which we quote:

"Gentlemen: The executors of the late Mr. Sealy, in order to carry into effect his legacy toward an establishment of usefulness or charity in Galveston, to be of the most service, have concluded to tender to your honorable body the sum of \$50,000, to be used in the erection of a building for a medical hospital, on grounds to be furnished by the city. * * *

"The only condition placed upon the donation is that so long as the hospital remains under the administration of the city it should be rendered more useful to the indigent sick of the city, under the regulations deemed best by you for that object. Should the medical department of the Texas State University be practically established at Galveston, as the State constitution requires, and should you deem it proper to transfer the same to the university for its benefit, you have the consent of the executors to such action as your wisdom shall dictate."

The city, by an ordinance approved September 6, 1887, accepted the donation.

By an act approved May 17, 1888 (acts of 1888, p. 20), the Legislature of Texas appropriated \$50,000 for use in the construction of buildings for the medical branch of the University at Galveston, from which act we quote:

"Provided, That the said city of Galveston shall donate to the University of Texas block No. 668 in said city to be used for the medical branch of said institution; and

Provided further, That the executors of the estate of John Sealy, deceased, shall agree to construct on said block, at a cost of not less than \$50,000, a medical hospital, which, when completed, is to be donated to the medical branch of the University of Texas, and to be under the control of the board of regents of said university."

By a deed dated July 30, 1889, recorded in Book 72, p. 268, the city conveyed to the State of Texas block 668 for the benefit of the University of Texas, and to be used for and in connection with the medical branch.

Block 668 has been used only for hospital purposes, the State having acquired other land upon which the medical department buildings were constructed.

From 1888 to 1891 the estate of Mr. Sealy expended in the construction of the hospital \$69,126.36. The Mr. John Sealy hereinafter mentioned is the son of Mr. John Sealy, whose estate constructed the original hospital. Mr. John Sealy and his sister, Mrs. R. Waverley Smith, expended the following amounts in repairs of the hospital:

1898.....	\$10,499.47
1899.....	11,886.56
1900.....	5,584.74
1901.....	3,836.27

In 1915 Mr. Sealy and his sister constructed the women's hospital at a cost of \$125,000. They executed a deed of gift to the board of regents of the University of Texas, dated May 31, 1915, recorded in book 285, page 413, of the women's hospital, located on property owned by the State. On December 4, 1911, the county of Galveston executed a lease to the board of regents of the University of Texas demising to the regents for 99 years all of the land acquired by the county for sea-wall purposes north and northwestward of the line of Avenue B, for a rental of \$10 per annum, such land to be used solely for hospital purposes in connection with the John Sealy Hospital. By a deed dated December 23, 1911, recorded in book 253, page 517, Mr. John Sealy conveyed to the State of Texas for hospital purposes in connection with the John Sealy Hospital all of lots 1, 12, 14, and 13 in block 667, excepting so much thereof as had been conveyed to the county for sea-wall purposes. That property was acquired by Mr. Sealy at a cost of \$3,600.

In 1916 Mr. Sealy expended in remodeling and refurnishing the main hospital \$270,000. Since May, 1913, the John Sealy Hospital and its accessories have been operated under a lease contract between the regents of the university and the city of Galveston dated May 9, 1913, recorded in book 266, page 55, which expires May 9, 1938 (which succeeded the lease contract dated October 7, 1889), under the terms of which the university furnishes the medical staff of the hospital and the city is required to make yearly adequate appropriations for the care of the indigent sick of the city in the hospital and for the maintenance, support, and operation of the hospital. Under such contract the hospital is managed by a board of five persons, two appointed by the regents, two by the city, and the fifth chosen by the four. The appropriation made by the city each year, when added to receipts of pay patients, was insufficient to pay the operating expenses of the hospital and the deficiency each year was paid by Mr. Sealy. The amounts expended by him for such purpose from 1914 to 1925 aggregated \$206,000.

The Sealy & Smith Foundation for the John Sealy Hospital was chartered under the laws of Texas as a charitable corporation March 10, 1922 (see Appendix A). Prior to his death, which occurred on February 19, 1926, Mr. Sealy, including the cost of lots 1, 2, 3, 4, 11, 12, and 13 in block 608, and lot 1 in block 607, which he conveyed to the Sealy & Smith Foundation, donated to the foundation in property and securities \$271,463.11. Mrs. R. Waverley Smith purchased lots 2, 3, 4, 5, 6, 14, and the west one-half of lot 12, in block 607, at a cost of \$22,066.50, and conveyed the same to the foundation. The total of the contributions made by the Sealy and Smith family prior to Mr. Sealy's death is \$999,063.01.

The Rebecca Sealy Nurses' Home was constructed by the board of regents on the hospital grounds in 1914-15, at a cost of \$92,250, and furnished by the city at a cost of \$4,000.

By an act approved February 28, 1915 (acts of 1915, p. 32), the State accepted the gift by the Public Health Association of the Walter Colquitt Memorial Children's Hospital, also known as the Children's Ward of the John Sealy Hospital, on the premises of the University of Texas, Galveston, the same to the State hospital for crippled and deformed children and to be under the control and management of the board of regents of the university, and said board was authorized to lease the same to the city in the same manner as the John Sealy Hospital buildings. It was further provided that the legislature should make suitable provision in the general appropriation bill, or otherwise, to pay for the proper care of children afflicted with surgical tuberculosis. Such children's hospital was constructed by the Public Health Association at the expense of \$15,000.

In 1910 the board of regents constructed the isolation hospital for the treatment of contagious diseases at a cost of \$18,000. The colored hospital was constructed in 1901, with \$18,500 donated by the New York Chamber of Commerce, supplemented by \$3,000 from the funds of the general relief committee of 1900.

The will of John Sealy (Appendix B), after making specific bequests to relatives and friends, aggregating \$220,000, leaves one-half of his residuary estate immediately to the Sealy & Smith Foundation for the John Sealy Hospital and provides that the foundation shall expend so much of the income from such half of the estate as its board of directors shall deem appropriate or necessary for the support, maintenance, operation, and repair of or additions to the John Sealy Hospital, or for the construction of additional buildings to be operated in connection therewith. See Appendix B, tenth clause of will. The will (11th par.), in connection with the codicil (4th par.), bequeaths the other half of the residuary estate to trustees, who are to pay over the income therefrom to four persons named in the will, after the death of which four persons such one-half of the residuary estate goes to the foundation for the same purposes as described in paragraph 10 of the will.

The codicil (3d par.) provides that all inheritance and estate taxes shall be paid out of the half of the residuary estate which is immediately bequeathed to the foundation for the benefit of the hospital, so that any inheritance legacy or estate taxes that may be paid will to that extent diminish that part of the estate which under the will goes immediately to the foundation. Mr. Sealy's estate was appraised by the appraisers appointed by the probate court of Galveston County at \$10,055,565.43. The New York tax authorities, where transfer tax was paid, increased the valuation of the oil stock of the estate above the value placed thereon by the Galveston appraisers \$1,893,624.49, which amount, added to the Galveston appraisement of the estate, would make a valuation of \$11,954,189.92.

The Legislature of Texas, by an act approved October 1, 1926 (see Appendix C), released the Sealy & Smith Foundation and the other legatees, and the estate of Mr. Sealy from the payment of legacy or inheritance taxes estimated at \$700,000, upon a condition that \$700,000 of the assets of the foundation shall be subject to joint control of the board of regents and of the foundation.

Assuming that in addition to the specific bequests the half of the residuary estate, the income from which is to be paid to the individuals or to an individual until the death of four persons named in the will,

is subject to the Federal estate tax, the amount of such tax has been estimated at \$600,000, upon which there will be a credit of \$139,850.48, the amount of the transfer tax paid the State of New York. However, there is some question about the constitutionality of such transfer tax, which may be tested in the courts.

In addition to the ordinary functions of a hospital, the John Sealy Hospital is used for clinical instruction by the medical department of the university, without which a medical school can not be successfully conducted. The hospital also maintains a school for training nurses.

The hospital conducts an out-patient department for the treatment of those who do not require accommodation in the hospital, where indigents are treated without charge. The poor are treated in the hospital without charge. A charge is made only against those well able to pay who require special accommodations. Generally speaking, while the hospital is owned by the State, it is conducted as any other charity hospital.

It was stated by the president of the university that this bequest of Mr. Sealy would make the medical college and the hospital one of the largest medical centers in the United States. Any money expended on the hospital and any additions made thereto from the income of Mr. Sealy's estate left to the foundation will become the property of the State, as the hospital, as above stated, is owned by the State.

It was the earnest wish of Mr. Sealy that the bulk of his estate might go to the hospital without depletion by the payment of taxes of this nature.

Respectfully submitted.

J. W. TERRY.
BALLINGER MILLS.
JOHN L. DARROUZET.

APPENDIX A

CHARTER OF THE SEALY & SMITH FOUNDATION FOR THE JOHN SEALY HOSPITAL

STATE OF TEXAS,

County of Galveston:

Know all men by these presents:

That we, Jennie Sealy Smith, John Sealy, and R. Waverley Smith, all citizens of Galveston, Galveston County, Tex., under and by virtue of the laws of this State, do hereby voluntarily associate ourselves together for the purpose of forming a private corporation under the terms and conditions hereinafter set out, as follows:

1. The name of this corporation is the Sealy & Smith Foundation for the John Sealy Hospital.

2. The purpose for which it is formed is the support of a charitable undertaking in the city and county of Galveston, State of Texas, for the construction, remodeling, enlarging, equipping, and furnishing of the John Sealy Hospital and other hospital building or buildings in the city of Galveston, Tex., in connection with the John Sealy Hospital in said city and the endowment thereof, for the use of the people of said city of Galveston and providing them with the necessary medical care and attention therein.

3. The place where the business of the corporation is to be transacted is at Galveston, Galveston County, Tex.

4. The term for which it is to exist is 50 years.

5. The board of directors shall be seven, and the names and post-office addresses of those selected for the first year are as follows:

Mrs. Jennie Sealy Smith, Galveston, Galveston County, Tex.; John Sealy, Galveston, Galveston County, Tex.; R. Waverley Smith, Galveston, Galveston County, Tex.; Charles S. Peek, Galveston, Galveston County, Tex.; Dr. Edward Randall, Galveston, Galveston County, Tex.; Fred W. Catterall, Galveston, Galveston County, Tex.; E. O. Cone, Galveston, Galveston County, Tex.

6. This corporation, being organized as a charitable undertaking, has no capital stock, and the estimated value of the goods, chattels, lands, rights, and credits owned by the corporation is undetermined, as it is formed for the purpose of receiving contributions in the future to the charities mentioned, and as yet has no property.

In testimony whereof we hereunto sign our names this 1st day of March, A. D. 1922.

JENNIE SEALY SMITH.
JOHN SEALY.
R. WAVERLEY SMITH.

STATE OF TEXAS,

County of Galveston, ss:

Before me, the undersigned authority, this day personally appeared Jennie Sealy Smith, John Sealy, and R. Waverley Smith, known to me to be the persons whose names are subscribed to the foregoing instrument, and each of them acknowledged to me that she and he, respectively, had executed the same for the purposes and consideration therein expressed.

In testimony whereof I hereby subscribe my name and affix the seal of my office this the 8th day of March, A. D. 1922.

[SEAL.]

C. O. NEWBROUGH,

Notary Public in and for Galveston County, Tex.

Filed in the office of the secretary of state this 10th day of March, A. D. 1922.

S. L. STAPLES,
Secretary of State.

THE STATE OF TEXAS,
DEPARTMENT OF STATE.

I, S. L. Staples, secretary of state of the State of Texas, do hereby certify that the foregoing is a true and correct copy of charter of the Sealy & Smith Foundation for the John Sealy Hospital, with the indorsement thereon, as now appears of record in this department.

In testimony whereof I have hereunto signed by name officially and caused to be impressed hereon the seal of State at my office in the city of Austin the 11th day of March, A. D. 1922.

[SEAL.]

S. L. STAPLES,
Secretary of State.

BY-LAWS OF THE SEALY & SMITH FOUNDATION FOR THE JOHN SEALY HOSPITAL

ARTICLE I

Purposes and authority of the foundation

This foundation is authorized by its charter to receive any money or property, real or personal, turned over to it by gift, devise, or descent; to hold, manage, and control; to invest and reinvest or exchange the same; to receive title to real estate and make conveyances thereof in its corporate name; and to use and expend such property, or the income thereof, in such manner as may be directed by the donor, or if received by it without specific direction from the donor, then within the discretion of its board of directors and as may be by them determined, both as to the time and manner, for the construction of new buildings or for remodeling, enlarging, equipping, and furnishing existing buildings of the John Sealy Hospital and other hospital building or buildings in the city of Galveston, Tex., in connection with the John Sealy Hospital in said city, and for the endowment or support thereof, in such amounts as may be determined by its board of directors, for the use of the people of said city of Galveston and for providing them with the necessary medical care and attention in said hospital buildings.

APPENDIX B

WILL

The STATE OF TEXAS,

County of Galveston:

I, John Sealy, of the city and county of Galveston, State of Texas, being of sound and disposing mind and memory, do make, publish, and declare this my last will and testament, hereby revoking and annulling any and all other wills by me at any time heretofore made.

First, I nominate, constitute, and appoint Jennie Sealy Smith, R. Waverley Smith, and Charles S. Peek, all of the city and county of Galveston, Tex., independent executrix and executors, respectively, of this my will and of my estate, and I hereby expressly direct and provide that no bond or other security shall be required of them, or either of them, as such executrix or executors, and that no action shall be had or taken in the probate court, or any other court, with reference to the settlement of my estate, except to probate and record this will and to file an inventory, appraisement, and list of claims of my estate.

I direct that the said Charles S. Peek, in his capacity as my said executor, shall receive the sum of \$10,000 per annum during the time he acts as my said executor, beginning with the date of my death and continuing until my estate is finally distributed and closed under the provisions of this will.

Wherever the words "executor" or "executors" are hereinafter used, they shall be construed to mean my said executrix or executor, or my said executrix and my said executors, as the case may be.

In the event of the death, resignation, refusal, failure, or inability of any or either of them to act as such executor, then the survivor or survivors, or he or they who act as such executor or executors, shall have full power and authority as such executor or executors the same as if all of them had qualified and acted; it being my intention that if one or more of said persons named as my executors shall die, resign, refuse, fail, or for any reason be unable to act as such, then the other or others of said persons shall have and exercise all the powers as such executors that could have been exercised by all of them had they all qualified and acted as such executors.

My said executors shall have full title, right, power, and authority to make any transfer, sale, and conveyance of all or any part of the estate and property left by me, from time to time, and at any time, as in their judgment shall seem best, and generally until final distribution of my estate, to have and exercise unlimited and general control and charge of my estate and effects in the same manner that I could do if living.

Second, It is my express will, desire, and intention that my executors shall have full power and authority to carry out all the provisions of this will and to administer, distribute, and finally close my estate without the exercise of any jurisdiction over it or them by the probate

court, or any other court, and without the intervention or action of any kind whatsoever of any court in any matter relating to my estate or of the settlement thereof.

Third. I give, devise, and bequeath to my sister, Jennie Sealy Smith, all of my interest in our home, being lots Nos. 12, 13, and 14, in block No. 262, in the city and county of Galveston, State of Texas, and all improvements thereon, and all of the contents of the said home.

Fourth. I give, devise, and bequeath to my aunt, Mary D. Maitland, widow of Thomas J. Maitland, the sum of \$10,000. In the event of the death of my said aunt, Mary D. Maitland, before my own death, then I give, devise, and bequeath said sum of \$10,000, that would otherwise have gone to said Mary D. Maitland, to my cousin, Mary S. Babcock, the daughter of my said aunt. In event of the death of both my said aunt and my said cousin before my own death, then if my said cousin leaves surviving her a child or children of her own, then I give, devise, and bequeath to such child or children, if more than one, share and share alike, as shall be living at the time of my death, said sum of \$10,000 that would otherwise have gone to either my said aunt or my said cousin. But if both my said aunt and my said cousin die before my own death and if there be not living at the time of my death any surviving child of my said cousin, then said sum of \$10,000 that would otherwise have gone either to my said aunt or my said cousin, or to such child or children of my said cousin, shall revert to, fall into, and become a part of my residuary estate and as such shall be disposed of in accordance with the provisions of this will.

Fifth. I give, devise, and bequeath to my cousin, Etta R. Jackson, wife of Thomas W. Jackson, of Hollidaysburg, Pa., the sum of \$10,000. In the event of her death before my own death the said sum of \$10,000 shall revert to, fall into, and become a part of my residuary estate and as such shall be disposed of in accordance with the provisions of this will.

Sixth. I give, devise, and bequeath the sum of \$10,000 to each of my following-named cousins, to wit: To Margaret Sealy Burton, of Galveston, Tex., \$10,000; to Ella Sealy Newell, of Greenwich, Conn., \$10,000; to Caroline Sealy Livermore, of San Francisco, Calif., \$10,000; to Rebecca Sealy Mallory, of Greenwich, Conn., \$10,000; to George S. Ewalt, of Galveston, Tex., \$10,000. I give, devise, and bequeath to my cousin, George Sealy, of Galveston, Tex., \$50,000; making in all to my said six cousins \$100,000. In event of the death of any of said legatees named in this paragraph before my own death, then the legacy or legacies that would otherwise have gone to such deceased legatee or legatees, under the provisions of this paragraph, shall revert to, fall into, and become a part of my residuary estate, and as such shall be disposed of in accordance with the provisions of this will.

Seventh. I give, devise, and bequeath the sum of \$10,000 (being in all \$50,000) to each of my following-named friends, all of Galveston County, Tex., to wit: To H. O. Stein, \$10,000; to J. J. Davis, \$10,000; to E. D. Cavin, \$10,000; to Ballinger Mills, \$10,000; and to M. H. Royston, \$10,000.

I give, devise, and bequeath to John Sealy Peek, of Galveston, Tex., \$5,000; I give, devise, and bequeath to John Sealy Livermore, of San Francisco, Calif., \$5,000.

In event of the death of any of the legatees named in this clause seventh before my own death, then the legacy or legacies that would have otherwise gone to such deceased legatee or legatees, under the provisions of this paragraph, shall revert to, fall into, and become a part of my residuary estate, and as such shall be disposed of in accordance with the provisions of this will.

Eighth. I give, devise, and bequeath to my executors, as trustees, the sum of \$50,000, in trust, for the following purpose, to wit: My said executors shall pay over and distribute said sum to and among my friends, all the employees of the firm of Hutchings, Sealy & Co., or of whatever firm, if any, shall at the time of my death be the successor in business of Hutchings, Sealy & Co., as shall be in the service of said Hutchings, Sealy & Co., or such successor firm, at the date of my death, constituting the entire office force of said Hutchings, Sealy & Co., or such successor firm at said date, such payment to and distribution among them to be made pro rata in proportion to the amount of compensation at said date received by them respectively as such employees.

Ninth. I direct that all of the legacies and bequests provided for in clauses third, fourth, fifth, sixth, seventh, and eighth of this will shall be paid to the legatees therein named in full, without any deduction for any Federal estate tax, or State inheritance tax on said legacies, or any of them, and any and all estate inheritance or legacy taxes which may be payable by reason of said legacies, or any of them, shall be paid out of my residuary estate. My executors may pay over and deliver the said legacies and bequests either in money or in securities which in their judgment are of the value of the legacies and bequests to which said legatees are severally entitled under the terms of said clauses.

Tenth. After the payment of all the legacies and bequests provided for by the preceding paragraphs of this will, I give, devise, and bequeath one-half of all the rest, residue, and remainder of my estate, property, and effects of whatsoever character, kind, nature, or description, real, personal, or mixed, in possession or in action, and wheresoever situated, which may be owned or possessed by me, or to which I

may be entitled, to the Sealy & Smith Foundation for the John Sealy Hospital, a charitable corporation duly incorporated under the laws of the State of Texas, in trust, for the purpose that said corporation shall take charge and possession of the bequest made by this paragraph and shall invest and reinvest the same and collect and gather in the interest, income, and revenue thereon accruing or therefrom arising, and shall use, discharge, and expend such interest, income, or revenue, or so much thereof as said corporation through its board of directors shall deem appropriate or necessary for the support, maintenance, operation, and repair of or additions to the John Sealy Hospital located in the city of Galveston, Tex., or for the construction of additional buildings to be operated in connection therewith.

Eleventh. After the payment of all of the legacies and bequests provided for by clauses third, fourth, fifth, sixth, seventh, and eighth of this will, I give, devise, and bequeath one-half of all the rest, residue and remainder of my estate, property, and effects, of whatsoever character, kind, nature, or description, real, personal, or mixed, in possession or in action, and wheresoever situated, which may be owned or possessed by me, or to which I may be entitled, to Jennie Sealy Smith, R. Waverley Smith, and Charles S. Peek, as trustees, upon the following trusts, terms, and conditions, to wit:

(a) The said trustee shall take charge and possession of the bequest made by this paragraph, and shall during the terms of this trust, as hereinafter limited, invest and reinvest the same and collect and gather in the interest, income, and revenue thereon accruing, or therefrom arising, and shall have full power to make any sales or conveyances of said property, or of any reinvestments thereof.

(b) The said trustees shall pay over or deliver at such periods as they may deem best, not longer than annually, one-half of the net interest, income, and revenue arising from the property bequeathed to them in trust by clause eleventh of this will to my sister, Jennie Sealy Smith, during her life time. At the death of my said sister, Jennie Sealy Smith, the trust created as to her by this paragraph of this clause eleventh of this will shall cease and determine, and the said trustees shall thereupon pay over, convey, and deliver one-half in value of the entire property bequeathed to them in trust by this clause eleventh of this will to the Sealy & Smith Foundation for the John Sealy Hospital in trust for all the uses and purposes and under all the terms and conditions specified and set out in clause tenth of this will. In the event the said Jennie Sealy Smith shall predecease me I direct that the said one-half of the trust property bequeathed to said trustees by clause eleventh of this will shall be turned over and delivered to said the Sealy & Smith Foundation for the John Sealy Hospital at the same time, in the same manner, and subject to the same trusts and provisions as the legacy or bequest made by clause tenth of this will.

(c) The said trustees shall pay over or deliver at such periods as they may deem best, not longer than annually, one-sixth of the net interest, income, and revenue arising from the property bequeathed to them in trust by this clause eleventh of this will to my brother-in-law, R. Waverley Smith, during his lifetime. At the death of my said brother-in-law, R. Waverley Smith, the trust created as to him by this paragraph of this clause eleventh of this will shall cease and determine, and the said trustees shall thereupon pay over, convey, and deliver one-sixth in value of the entire property bequeathed to them in trust by this clause eleventh of this will to the Sealy & Smith Foundation for the John Sealy Hospital in trust for all the uses and purposes and under all the terms and conditions specified and set out in clause tenth of this will. In the event the said R. Waverley Smith shall predecease me I direct that the said one-sixth of the trust property bequeathed to said trustees by clause eleventh of this will shall be turned over and delivered to said the Sealy & Smith Foundation for the John Sealy Hospital at the same time, in the same manner, and subject to the same trusts and provisions as the legacy or bequest made by clause tenth of this will.

(d) The said trustees shall pay over or deliver at such periods as they may deem best, not longer than annually, one-sixth of the net interest, income, and revenue arising from the property bequeathed to them in trust by this clause eleventh of this will to my cousin, Anna D. Terry, during her lifetime. At the death of my said cousin, Anna D. Terry, the trust as to her created by this paragraph of this clause eleventh of this will shall cease and determine, and the said trustees shall thereupon pay over, convey, and deliver one-sixth in value of the entire property bequeathed to them in trust by this clause eleventh of this will to the Sealy & Smith Foundation for the John Sealy Hospital in trust for all the uses and purposes and under all the terms and conditions specified and set out in clause tenth of this will. In the event the said Anna D. Terry shall predecease me I direct that the said one-sixth of the trust property bequeathed to said trustees by clause eleventh of this will shall be turned over and delivered to said the Sealy & Smith Foundation for the John Sealy Hospital at the same time, in the same manner, and subject to the same trusts and provisions as the legacy or bequest made by clause tenth of this will.

(e) The said trustees shall pay over or deliver at such periods as they may deem best, not longer than annually, one-sixth of the net interest, income, and revenue arising from the property bequeathed to them in trust by this clause eleventh of this will to my cousin, Rebecca

Sealy Terry, during her lifetime. At the death of my said cousin, Rebecca Sealy Terry, the trust created by this paragraph of this clause eleventh of this will shall cease and determine as to her, and the said trustees shall thereupon pay over, convey, and deliver one-sixth in value of the entire property bequeathed to them in trust by this clause eleventh of this will to the Sealy & Smith Foundation for the John Sealy Hospital in trust for all the uses and purposes and under all the terms and conditions specified and set out in clause tenth of this will. In the event the said Rebecca Sealy Terry shall predecease me I direct that the said one-sixth of the trust property bequeathed to said trustees by clause eleventh of this will shall be turned over and delivered to said the Sealy & Smith Foundation for the John Sealy Hospital at the same time, in the same manner, and subject to the same trusts and provisions as the legacy or bequest made by clause tenth of this will.

(f) Whenever any portion of the property devised to the said trustees by this clause eleventh of this will is to be turned over, conveyed, or delivered to said the Sealy & Smith Foundation for the John Sealy Hospital under the terms hereof, the trustees above named shall have full power to designate and determine what portion or portions of the trust property shall constitute the share then to be turned over, conveyed, or delivered to said the Sealy & Smith Foundation for the John Sealy Hospital, and what portion shall remain in the trust hereby created until its final termination, and to execute instruments of partition thereof.

(g) Upon the death of the last survivor of Jennie Sealy Smith, R. Waverley Smith, Anna D. Terry, and Rebecca Sealy Terry, the trust created by this clause eleventh of this will shall wholly cease and determine and all of the then existing trust property which shall not have theretofore been delivered to the said the Sealy & Smith Foundation for the John Sealy Hospital shall be then turned over and delivered to it to be held and used by it for the purposes hereinabove set out.

(h) No bond or other security shall be required of said trustees, or any of them, in connection with the said trust property, or its administration.

(i) All powers herein given to the said trustees shall vest in and may be exercised by the survivor or survivors thereof.

(j) In the event of the death of any of the three trustees hereinabove named in this clause of this will, prior to the final termination of this trust, or in the event of the death of any two of said trustees, the surviving trustees or trustee, as the case may be, shall have the right to join another trustee or trustees, either individual or corporate, with said survivor or survivors so as to keep the total number of trustees acting at three, by a written instrument of appointment acknowledged in accordance with the laws of Texas so as to entitle it to registration, and upon the execution of any such instrument of appointment by the surviving trustee or trustees, as the case may be, and its registration in the deed records of Galveston County, Tex., the trustee or trustees thereby appointed shall succeed to all of the powers of the then deceased trustee or trustees, and any and all acts in furtherance of the purposes of this trust done by such successor trustee or trustees so appointed shall be as effective and binding as if done by the trustees herein expressly named, whose place or places they take. Such power of appointment shall exist whenever by death, resignation, or otherwise, there are not three trustees administering the trust.

(k) After my estate is fully administered by my executors and the trust provided for by this clause eleventh of this will is established, the compensation provided for Charles S. Peek for acting as executor in clause first of this will shall cease, but he shall thereafter, until the final termination of said trust, receive out of the income from the said trust property, as his compensation for acting as such trustee, compensation at the rate of \$10,000 per year as long as the whole of the property devised by this clause eleventh of this will shall remain in the hands of said trustees under the provisions hereof, such compensation to be diminished proportionately as and when the trust shall end as to any portion of the trust property by the delivery of same to the Sealy & Smith Foundation for the John Sealy Hospital under the terms of this clause.

Twelfth. All the legacies and bequests provided for in this will shall be paid out of my estate by my executors as soon after my death as may be convenient and suitable to the affairs of my estate, as to which time my said executors shall judge, and for the purpose of providing for the payment of said legacies and bequests as well as for any and all other purposes provided for by this will, my said executors are expressly authorized and empowered to transfer, sell, and convey any and every part of my estate necessary therefor as in their judgment may seem best.

Thirteenth. It is my desire and intention and I hereby expressly direct and provide that all the provisions and stipulations of the contract or articles of partnership of the firm of Hutchings, Sealy & Co., or any successor in business of said firm that may be in existence at the date of my death, relating to the continuance of said partnership and its business after the death of any one of the partners thereof, or relating to any other matters whatsoever, shall be in all respects carried out, observed, and performed by my said executors and said surviving partners, and I expressly authorize and empower my said executors to make all necessary arrangements and agreements and

do and perform all necessary acts and things according to their own judgment and discretion, providing for the continuance and carrying on of the business of such partnership, or successor partnership, after the death of any of the partners thereof and with respect to the interest and rights of my estate therein, and the continuance and continued carrying on of the business thereof, in accordance with the terms and provisions of such articles of partnership or partnership contract.

Fourteenth. The unlimited and general control, charge, management, and disposition of my estate and property is confided to the wisdom, judgment, and discretion of my executors, or such of them as shall survive and act under the terms of this will, with full trust and confidence in their good faith and in their acting for the best interest of my estate and legatees and devisees, and my said executors shall have full time and discretion as to the time and manner of winding up my estate and making distribution thereof and with respect to investments and reinvestments during the administration thereof, and no demand shall be made or enforced against them for distribution or partition until the proper and judicious period shall, in accordance with their good judgment, have elapsed.

Fifteenth. My executors are hereby given full power and authority to make final partition and distribution of my estate to the parties respectively entitled thereto without the action, judgment, or decree of any court whatsoever, and in the meantime to invest, reinvest, and change investments of my estate and any and every part thereof.

In testimony whereof I hereunto subscribe my name at Galveston, Tex., this 24th day of March, 1922, in the presence of C. W. Branch and C. J. Ogilvy, who subscribe their names hereto as attesting witnesses in my presence and at my request, and in the presence of each other.

JNO. SEALY.

Here, now, on this the 24th day of March, 1922, the said John Sealy, the testator, subscribed his name to the foregoing instrument and published and declared the same to be his last will and testament, all in my presence, and we at the same time and at his request and in his presence, and in the presence of each other, hereto subscribe our names as attesting witnesses on this the said — day of March, 1922.

C. W. BRANCH
C. J. OGILVY.

Filed April 23, 1926.

GEO. F. BURGESS,
Clerk County Court, Galveston County, Tex.
By J. R. PLATTE, Deputy.

CODICIL

The STATE OF TEXAS,
County of Galveston:

I, John Sealy, of the city and county of Galveston, State of Texas, being of sound and disposing mind and memory, do make, publish, and declare this first codicil to my last will and testament, which bears date the 24th day of March, 1922.

1. I direct and provide that as long as my three executors named in clause first of said will shall act as such executors, any act done by any two of them, including the sale and conveyance of real estate, shall be valid and binding.

I direct and provide that whenever and as long as there are three trustees under clause eleventh of said will, the act of any two of them, including the sale or conveyance of real estate, shall be valid and binding.

2. I hereby cancel and annul so much of the ninth clause of said will as reads as follows:

"I direct that all of the legacies and bequests provided for in clauses third, fourth, fifth, sixth, seventh, and eighth of this will shall be paid to the legatees therein named in full, without any deduction for any Federal estate tax or State inheritance tax on said legacies, or any of them, and any and all estate inheritance or legacy taxes which may be payable by reason of said legacies, or any of them, shall be paid out of my residuary estate."

3. I hereby add to said will and make a part thereof the following clause, to be numbered sixteenth, to wit:

Sixteenth. I direct that the entire Federal estate tax on my estate and all State inheritance taxes on all bequests, legacies, and devises, whether specific or residuary, made by my said will shall be paid by my executors out of and shall be charged against and deducted from the bequest, legacy, and devise made by clause tenth of said will, it being my intention that all of such taxes upon my entire estate and upon all of the legacies and bequests made by my said will shall be paid out of the bequest and devise of one-half of my residuary estate made by said clause to the Sealy and Smith Foundation for the John Sealy Hospital, and that the bequests made by the third, fourth, fifth, sixth, seventh, and eighth clauses of my said will and the bequest and devise of one-half of my residuary estate made by the eleventh clause of my said will shall be paid in full and not have charged against them, or any of them, any amount for any such taxes.

4. I hereby cancel and annul all and so much of the eleventh clause of my said will and those portions of said clause in which it is provided that on the death of the respective life tenants of the bequests and devises thereby made the share of each one of them, as he or she dies, shall be turned over and delivered to the Sealy and Smith Foundation for the John Sealy Hospital free from any control of the trustees therein named, and in lieu thereof I hereby direct and provide that the trustees provided for by the eleventh clause of my said will shall keep the entire bequest and devise made by said eleventh clause of said will together until the death of the last survivor of Jennie Sealy Smith, R. Waverley Smith, Anna D. Terry, and Rebecca Sealy Terry, and that upon the death or successive deaths of each of them the share in the income from said trust property which would have been paid to the one so deceased shall be divided among the survivors of them equally, share and share alike, until the final termination of the trust provided for by said eleventh clause of said will by the death of the last survivor of them, upon which event the entire corpus of the then trust property shall be turned over and delivered to the Sealy and Smith Foundation for the John Sealy Hospital in the same manner and subject to the same trusts and provisions as the legacy and bequest made by clause tenth of said will.

In testimony whereof I hereunto subscribe my name at Galveston, Tex., this 10th day of July 1924, in the presence of C. W. Branch and C. J. Ogilvy, who subscribe their names hereto as attesting witnesses to this first codicil to my will, in my presence and at my request and in the presence of each other.

JNO. SEALY.

Here, now, on this the 10th day of July, 1924, the said John Sealy, the testator, subscribed his name to the foregoing instrument and published and declared the same to be the first codicil to his last will and testament, all in our presence, and we at the same time and at his request, and in his presence and in the presence of each other hereto subscribe our names as attesting witnesses.

C. W. BRANCH.
C. J. OGILVY.

Filed April 23, 1926.

GEO. F. BURGESS,
Clerk County Court, Galveston County, Tex.
By J. R. PLATTE, Deputy.

APPENDIX C

An act (S. B. No. 271) to relieve the Sealy and Smith Foundation for the John Sealy Hospital, the estate of John Sealy, deceased, formerly of Galveston, Tex., and the legatees in and under his will, from the payment of taxes provided in chapter 5, title 122, Revised Statutes of Texas, generally known as inheritance taxes, and to provide that the city of Galveston shall not thereby be relieved from any obligation under a certain lease of John Sealy Hospital, executed by the board of regents of the University of Texas with the said city, dated the 9th day of May, 1913, and declaring an emergency

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That the Sealy and Smith Foundation for the John Sealy Hospital, a charitable corporation, incorporated under the laws of this State for the construction, remodeling, enlarging, equipping, and furnishing of the John Sealy Hospital, the property of the State used for clinical purposes of the medical department of the State university, and other hospital building or buildings in the city of Galveston in connection with the John Sealy Hospital and the endowment thereof, for the use of the people of said city of Galveston, by providing them with the necessary medical care and attention therein, the legatees under the will of the estate of John Sealy, deceased, and each of them, be, and are hereby, relieved and released from payment of taxes provided for in chapter 5, title 122, Revised Statutes of Texas, generally known as inheritance taxes, and the State comptroller and the tax collector of Galveston County are hereby ordered and directed not to collect or attempt to collect such tax or taxes, which taxes if not so hereby released would be payable out of the part of his estate devised and bequeathed by said Sealy to said foundation; and provided, however, that the city of Galveston shall not thereby be released from any obligation in or under a certain lease of said John Sealy Hospital executed by the board of regents of the University of Texas with said city, dated the 9th day of May, 1913.

SEC. 2. Section 1 hereof shall become void unless the Sealy and Smith Foundation for the John Sealy Hospital shall within six months after the passage of this act enter into an agreement with the board of regents of the University of Texas, a copy whereof certified as a correct copy by the president of the University of Texas shall be filed with the secretary of state, whereby the Sealy and Smith Foundation for the John Sealy Hospital shall agree with said board of regents to segregate and set apart property, or the proceeds thereof, or cash, or partly property and partly cash, to be agreed to by and between said foundation and the said regents of a value equal to \$700,000, the estimated amount of taxes released by section 1 hereof and by which said foundation shall agree to keep such property separate from its other assets or property and to use the income therefrom under the direction and with the approval of

said regents for said John Sealy Hospital, or any additions thereto or buildings to be used in connection therewith, or for any of the purposes specified in the will of said John Sealy. The sum hereby remitted shall perpetually be under the joint control of the board of regents of the University of Texas, and the Sealy and Smith Foundation to invest and reinvest the proceeds.

SEC. 3. The shortness of this special session and the importance of this act to the people of the State creates an emergency and an imperative public necessity exists which requires that the constitutional rule providing that bills shall be read on three several days be suspended, and said rule is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

(Signed) BARRY MILLER,
President of the Senate.
(Signed) LEE SATTERWHITE,
Speaker of the House of Representatives.

Received in the executive office this 1st day of October, A. D. 1926, at 11 o'clock and 30 minutes a. m.

(Signed) LENA W. GUIN,
Assistant Secretary to the Governor.

I hereby certify that senate bill 271 passed the senate finally by two-thirds vote of 24 yeas and no nays on September 27, 1926, and that the senate concurred in house amendment on October 1, 1926, by a vote of 23 yeas and no nays.

(Signed) W. V. HOWETTON,
Secretary of the Senate.

I hereby certify that senate bill 271 passed the house of representatives with amendment on September 30, 1926, by the following vote: Yeas 75 and nays 28.

(Signed) C. L. PHINNEY,
Chief Clerk of the House of Representatives.

(In script by the governor.)
Approved October 1, 1926.

MIRIAM A. FERGUSON,
Governor of Texas.

EXTENSION OF REMARKS

Mr. HASTINGS. Mr. Speaker, does the permission given a few days ago to revise and extend remarks on this bill apply to the remarks made to-day? If not, I want to get permission to revise and extend the remarks I made to-day.

The SPEAKER pro tempore. The Chair understands there was general leave to revise and extend given to all who speak on this bill, and that would include the gentleman.

Mr. LOWREY. Mr. Speaker, does that include those who do not get the floor to speak on the bill?

The SPEAKER pro tempore. The Chair understands the leave was general for five legislative days.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same: H. R. 11020. An act validating certain applications for and entries of public lands.

The SPEAKER also announced his signature to enrolled bills of the Senate of the following titles:

S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin;
S. 463. An act for the relief of David J. Williams;
S. 484. An act for the relief of Joe W. Williams;
S. 802. An act for the relief of Frank Hanley;
S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy;
S. 1428. An act for the relief of R. Bluestein;
S. 1848. An act for the relief of Frank Dixon;
S. 2008. An act for the relief of the parents of Wyman Henry Beckstead;
S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy;
S. 2926. An act for the relief of the Old Dominion Land Co.;
S. 3366. An act to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States;
S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*; and
S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.).

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 8835. An act to amend section 98 of the Judicial Code, as amended, to provide for terms of court at Bryson City, N. C.;

H. R. 10437. An act granting double pension in all cases to widows and dependents when an officer or enlisted man of the Navy dies from an injury in line of duty as the result of a submarine accident;

H. R. 11404. An act authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; and

H. R. 12441. An act to amend section 2 of an act entitled "An act in reference to writs of error," approved January 31, 1928, Public, No. 10, Seventieth Congress.

ADJOURNMENT

Mr. REID of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 24, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, April 24, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE LIBRARY

(10.30 a. m.)

To create the Mount Rushmore national memorial commission and defining its purpose and powers (H. R. 12521).

COMMITTEE ON WAYS AND MEANS

(11 a. m.)

To remit estate tax on the estate of John Sealy (H. R. 13217).

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON PARKS AND PLAYGROUNDS

(7.30 p. m.)

To provide for the acquisition of certain land in the District of Columbia and the establishment and operation of a municipal airport thereon (H. R. 7220).

To provide for the acquisition, improvement, equipment, management, operation, maintenance, and disposition of a civil air field and any appurtenances, inclusive of repairs, lighting, and communication systems, and all structures of any kind deemed necessary and useful in connection therewith (H. R. 8300 and 8299).

MILITARY AFFAIRS COMMITTEE

(10.30 a. m.)

A meeting to consider bill before the committee concerning promotion and retirement.

NAVAL AFFAIRS COMMITTEE

(10.30 a. m.)

A meeting before a subcommittee on the Naval Affairs Committee to consider the private bills on the calendar.

COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To provide for the transfer to the Department of the Interior of the public-works functions of the Federal Government (H. R. 8127).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

A bill to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries (H. R. 13151).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress, as expressed in sections 201 and 500 of the transportation act," approved June 3, 1924 (H. R. 10710).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

459. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Post Office Department for the fiscal year 1928, \$50,000, and for the fiscal year 1929, \$1,750,000; in all, \$1,800,000 (H.

Doc. No. 238); to the Committee on Appropriations and ordered to be printed.

460. A letter from the Secretary of the Navy, transmitting proposed draft of a bill to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels; to the Committee on Naval Affairs.

461. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to authorize an increase in the limit of cost of one fleet submarine; to the Committee on Naval Affairs.

462. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Department of Labor, Bureau of Labor Statistics, and the United States Employment Service for the fiscal year ending June 30, 1929, amounting to \$120,000 (H. Doc. No. 239); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. HAWLEY: Committee on Ways and Means. H. J. Res. 247. A joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; without amendment (Rept. No. 1364). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the United States Civil Service Commission (Rept. No. 1365). Ordered to be printed.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 3437. An act to provide for the conservation of fish, and for other purposes; with amendment (Rept. No. 1366). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 13109. A bill to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; without amendment (Rept. No. 1368). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY: Committee on Ways and Means. H. R. 12733. A bill to authorize the refund of certain taxes on distilled spirits; without amendment (Rept. No. 1369). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. IRWIN: Committee on Claims. H. R. 7552. A bill for the relief of Bertina Sand; with amendment (Rept. No. 1367). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS: A bill (H. R. 13267) authorizing the South Carolina and the Georgia State Highway Departments to construct, maintain, and operate a toll bridge across the Savannah River at or near Burtons Ferry near Sylvania, Ga.; to the Committee on Interstate and Foreign Commerce.

By Mr. PEERY: A bill (H. R. 13268) to establish a fish-hatching and fish-cultural station in the State of Virginia; to the Committee on the Merchant Marine and Fisheries.

By Mr. ASWELL: A bill (H. R. 13269) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. McLEOD: A bill (H. R. 13270) authorizing the appointment as warrant officers certain noncommissioned officers of the United States Army; to the Committee on Military Affairs.

By Mr. MORIN: A bill (H. R. 13271) to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va.; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 13272) authorizing the adjustment of the boundaries of the Siuslaw National Forest, in the State of Oregon, and for other purposes; to the Committee on the Public Lands.

By Mr. McDUFFIE: A bill (H. R. 13273) to relinquish the title of the United States to land in the claim of Seth Dean,

situate in the county of Washington, State of Alabama; to the Committee on the Public Lands.

Also, a bill (H. R. 13274) authorizing the Chamber of Commerce of Jackson, Ala., its successors and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Jackson, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. TATGENHORST: A bill (H. R. 13275) to regulate the practice before any board, commission, commissioner, officer, employee, or bureau of the United States by members admitted to the bar of the Supreme Court who are in good standing; to the Committee on the Judiciary.

By Mr. DRIVER: A bill (H. R. 13276) to amend section 3 of an act approved June 15, 1926, granting consent of Congress for the construction of a bridge across White River at or near Augusta, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. McSWAIN: A bill (H. R. 13277) to provide for a study of the need for a new uniform for the enlisted men of the Army; to the Committee on Military Affairs.

By Mr. BERGER: Joint resolution (H. J. Res. 281) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SWEET: Joint resolution (H. J. Res. 282) directing the Tariff Commission to conduct investigations under the flexible provision of the tariff act of 1922 concerning various agricultural products and providing funds therefor; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 283) to change the name of the Gatun Locks, Dam, Spillway, and Lake; and the Pedro Miguel Locks, Dam, Spillway, and Lake; and also the Miraflores Locks, Dam, Spillway, and Lake, in the Panama Canal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and several referred as follows:

By Mr. ANDRESEN: A bill (H. R. 13278) for the relief of Martin Anderson; to the Committee on Claims.

By Mr. BLAND: A bill (H. R. 13279) granting a pension to Miranda Ford; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 13280) granting an increase of pension to Dulcinea Jones; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 13281) granting a pension to Kate Forrester; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 13282) granting a pension to Mary M. Vore; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 13283) granting an increase of pension to Mary E. Hazzard; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 13284) granting an increase of pension to Martha Huff; to the Committee on Invalid Pensions.

By Mr. LAGUARDIA: A bill (H. R. 13285) for the relief of E. Stewart Ferrand; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 13286) granting an increase of pension to Margaret Maneor; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 13287) granting an increase of pension to Catherine Hays; to the Committee on Invalid Pensions.

By Mr. SCHNEIDER: A bill (H. R. 13288) to authorize a cash award to William T. Flood for beneficial suggestions resulting in improvement in naval material; to the Committee on Naval Affairs.

By Mr. TILLMAN: A bill (H. R. 13289) granting an increase of pension to Emily E. Morley; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 13290) granting a pension to Deliah D. Kirkpatrick; to the Committee on Invalid Pensions.

By Mr. PALMISANO: Joint resolution (H. J. Res. 284) to authorize an appropriation to pay claims of parents of deceased and injured children killed and injured by an Army airplane landing in Patterson Park, Baltimore, Md., on or about August 14, 1919, and for other purposes; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7114. Petition of city council, city of Philadelphia, Pa., requesting favorable consideration to the amendment cited to the

proposed revenue bill (H. R. 1); to the Committee on Ways and Means.

7115. By Mr. BOHN: Petition of citizens of Munising, Mich., who believe in maintenance of the national-origins plan of determining immigration quotas; to the Committee on Immigration and Naturalization.

7116. By Mr. BURTON: Resolution of the Palmer-Roberts Post of the American Legion, composed of ex-service men from Willoughby, Mentor, Wickliffe, and Irtland, Ohio, favoring the Capper-Johnson universal draft bill; to the Committee on Military Affairs.

7117. Also, resolution of Sub. Court Broadway, No. 1252, Independent Order of Foresters, Cleveland, Ohio, at a meeting of April 3, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7118. Also, resolution of Court Zaboy, No. 14, Foresters of America, Cleveland, Ohio, at a meeting held April 6, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7119. Also, resolution of Local No. 550, American Federation of Musicians, Cleveland, Ohio, at a meeting held April 8, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7120. Also, resolution of Court Fremont, Independent Order of Foresters, Cleveland, Ohio, at a meeting held April 5, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7121. Also, resolution of Past Commanders' Association, Knights of Malta, Cleveland, Ohio, at a meeting held March 29, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7122. Also, resolution of Court Lakewood, No. 4898, Independent Order of Foresters, Cleveland, Ohio, at a meeting held in April, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7123. Also, resolution of Hiawatha Council, No. 123, Daughters of America, Cleveland, Ohio, at a meeting held April 11, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7124. Also, resolution of Lake Shore Lodge, No. 6, Cleveland, Ohio, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7125. Also, resolution of Cleveland Commandery, No. 547, Knights of Malta, Cleveland, Ohio, at a meeting held April 3, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7126. Also, resolution of Criterion Tent No. 224, Maccabees, Cleveland, Ohio, at a meeting held April 3, 1928, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7127. By Mr. BOYLAN: Resolution adopted by board of visitors, State Camp for Veterans, relative to the proposed transfer of the State Camp for Veterans to the United States Government; to the Committee on World War Veterans' Legislation.

7128. Also, petition of Merchants' Association of New York, favoring the Lehlbach bill (H. R. 10644); to the Committee on the Civil Service.

7129. Also, petition of Muscle Shoals committee of the Illinois Farmers' Institute, protesting against the Government control of Muscle Shoals; to the Committee on Military Affairs.

7130. By Mr. CARLEY: Petition of The Grasselli Chemical Co. of New York, protesting against the Wyant bill (H. R. 8127) to transfer control of rivers and harbors to the Interior Department; to the Committee on Rivers and Harbors.

7131. By Mr. CULLEN: Resolution by Metal Trades Council, of Brooklyn, N. Y., indorsing House bill 12032; to the Committee on Naval Affairs.

7132. By Mr. FREEMAN: Petition of J. Rechel, and others, of Willimantic, Conn., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

7133. Also, petition of Harry L. Brodley and others, of Stafford, Conn., advocating the passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

7134. Also, petition of Clarence H. Barlow and others, urging the support of House bill 9035, to establish a uniform rule of naturalization; to the Committee on Immigration and Naturalization.

7135. Also, petition of Lillian Amidon and others, of Eagleville, Conn., urging the support of House bill 9035, to establish a uniform rule of naturalization; to the Committee on Immigration and Naturalization.

7136. By Mr. GARBER: Petition of W. H. Hudson, room 106, customhouse, New York City, in support of the Bacharach bill (H. R. 10644); to the Committee on Ways and Means.

7137. Also, petition of Charles W. Briles, director vocational education, Oklahoma City, Okla., in support of House bill 12241, vocational education bill; to the Committee on Education.

7138. Also, petition of American Association of Engineers, Oklahoma City, Okla., by the secretary, R. F. Danner, in support of House bill 6518; to the Committee on the Civil Service.

7139. By Mr. GREEN: Petition of 13 citizens of Fernandina, Fla., advocating passage of bill for relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7140. By Mr. HALE: Petition from 54 citizens of Atkinson, N. H., urging the passage of legislation providing for increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7141. By Mr. HUDSPETH: Petition of Council of Catholic Women, of El Paso, against enactment of Curtis-Reed bill; to the Committee on Education.

7142. By Mr. KERR: Petition from Charlotte chapters, Reserve Officers' Association of the United States, and the American Legion Auxiliary, Hornet Nest Unit, both of Charlotte, N. C., indorsing the Capper-Johnson bill; to the Committee on Military Affairs.

7143. By Mr. KVALE: Petition of several residents of Minneapolis, Minn., urging passage of House bill 11998, dog exemption bill; to the Committee on the Judiciary.

7144. Also, petition of Clifford Anderson, Montevideo, Minn., urging passage of House bill 11998, dog exemption bill; to the Committee on the Judiciary.

7145. By Mr. LINDSAY: Petition of Polish Army Veterans' Association of America, Chicago, Ill., urging passage of House bill 8273, referring to an amendment of the act to admit to the United States and to extend naturalization privileges to alien veterans of the World War; to the Committee on Immigration and Naturalization.

7146. Also, petition of Surfmen's Mutual Benefit Association, Elizabeth City, N. C., urging support of House bill 12032, providing for readjustment of pay of warrant officers in the Navy and Coast Guard; to the Committee on Naval Affairs.

7147. Also, petition of the Grasselli Chemical Co., New York City, protesting against the passage of House bill 8127, which seeks to transfer from the War Department to the Department of the Interior the control of harbors and rivers and the jurisdiction over navigable waters; to the Committee on Military Affairs.

7148. By Mr. O'CONNELL: Petition of the Mailers Union No. 6, International Typographical Union, New York City, favoring the passage of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7149. Also, petition of the Allied Printing Trades Council of Greater New York, favoring the passage of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7150. Also, petition of L. P. Spach, chairman flood relief, American Legion, favoring the passage of the Jones flood relief bill; to the Committee on Flood Control.

7151. Also, petition of the Bindery Women's Union, Local No. 43, International Brotherhood of Bookbinders, of New York and vicinity, favoring the passage of the Griest postal bill; to the Committee on the Post Office and Post Roads.

7152. Also, petition of the United States Customs Inspectors Association, port of New York, favoring the passage of the Lehlbach retirement bill (H. R. 25); to the Committee on the Civil Service.

7153. Also, petition of the Grasselli Chemical Co., New York City, protesting against the passage of the Wyant bill (H. R. 8127) for the transfer from the War Department to the Department of the Interior the control of rivers and harbors and the jurisdiction over navigable waters; to the Committee on Expenditures in the Executive Departments.

7154. Also, petition of the Surfmen's Mutual Benefit Association, Elizabeth City, N. C., favoring the passage of the Britten bill (H. R. 12032) to readjust the pay of warrant officers in the Navy and Coast Guard; to the Committee on Naval Affairs.

7155. By Mr. O'CONNOR of New York: Resolutions adopted at conference of trade-union officers of Greater New York, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7156. Also, resolutions adopted at conference of trade-union officers of Greater New York, indorsing the Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7157. By Mr. PEAVEY: Petition of the members of the Webster Commercial Club, of Webster, Wis., favoring the authorization of the construction of a bridge across the St. Croix River between the Counties of Burnett, Wis., and Pine, Minn.; to the Committee on Interstate and Foreign Commerce.

7158. By Mr. QUAYLE: Petition of Edwin Gould, of New York City, appealing for liberal treatment of budget of the Virgin Islands; to the Committee on Appropriations.

7159. Also, petition of the Grasselli Chemical Co., of New York City, protesting against the passage of the Wyant bill (H. R. 8127); to the Committee on Rivers and Harbors.

7160. Also, petition of Surfmen's Mutual Benefit Association, of Elizabeth, N. C., urging the passage of House bill 12032 to readjust the pay of warrant officers in the Navy and Coast Guard; to the Committee on Naval Affairs.

7161. Also, petition of the State Camp for Veterans, of the State of New York, protesting against the passage of House bill 12204, providing for the transfer of the State Camp for Veterans at Bath, N. Y., to the Veteran's Bureau; to the Committee on World War Veteran's Legislation.

7162. Also, petition of the National Fertilizer Association, Washington, D. C., with reference to Muscle Shoals bill; to the Committee on Military Affairs.

7163. Also, petition of the Western Fruit Jobbers Association of America, Chicago, Ill., with reference to Mexican immigration restrictions; to the Committee on Immigration and Naturalization.

7164. By Mr. RAMSEYER: Petition of Elm Grove Woman's Christian Temperance Union, Oskaloosa, Iowa, urging passage of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7165. Also, petition of citizens of Brooklyn, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

7166. By Mr. SINCLAIR: Letters from V. M. Antonius and Arthur Kateley, Crosby, N. Dak., and from Judge John H. Lewis, Minot, N. Dak., protesting against the Oddie bill; to the Committee on the Post Office and Post Roads.

7167. By Mr. SWEET: Petition of J. C. Rasbach, of Canastota, N. Y., favoring the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7168. By Mr. WINTER: Resolutions re House bill 9956, from V. E. Farmer, commander, Engstrom-Duncan Post, No. 22, the American Legion, Rawlins, Wyo., and C. L. Carter, president the Lions Club, Sheridan, Wyo.; to the Committee on Irrigation and Reclamation.

SENATE

TUESDAY, April 24, 1928

(Legislative day of Friday, April 20, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerk;

S. 463. An act for the relief of David J. Williams;

S. 484. An act for the relief of Joe W. Williams;

S. 802. An act for the relief of Frank Hanley;

S. 1377. An act for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy;

S. 1428. An act for the relief of R. Bluestein;

S. 1848. An act for the relief of Frank Dixon;

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead;

S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy;

S. 2926. An act for the relief of the Old Dominion Land Co.;

S. 3366. An act to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States;

S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*;

S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.); and

H. R. 11020. An act validating certain applications for and entries of public lands.